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QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 October 1990 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of a statement issued by the Greek Ministry of Foreign Affairs on 9 October 1990, regarding the tragic incidents that occurred in Jerusalem on 8 October 1990 (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda items 23 and 35, and of the Security Council.

(Signed) Antonios EXARCHOS
Ambassador

best copy available

ANNEX

Statement issued by the Ministry of Foreign Affairs of Greece at Athens on 9 October 1990

The Greek Government strongly deplores and condemns the bloody incidents that occurred in Jerusalem. These incidents are particularly grave and dangerous since, according to first reports, armed Israelis burst into the Holy Shrine of Al-Aqsa and opened fire on unarmed Muslims, killing a large number of them.

Anyone interested in the cause of peace and justice in the region cannot but feel painful surprise and revulsion at the outburst of violence, not only because it involved innocent human victims, but also because it charges an already dangerously tense situation in the Middle East, particularly at this critical juncture.

The Greek Government is concerned over the fact that a responsible Government allowed for such incidents to occur, which offend one's sense of justice and humanness, as well as of religious tolerance, which is necessarily interwoven with the place in which three religions - Christianity, Islam and Judaism - have coexisted for centuries.

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CRIME PREVENTION AND CRIMINAL JUSTICE

Implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

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I. INTRODUCTION

1. The present report has been prepared in response to General Assembly resolution 44/72 of 8 December 1989, in paragraph 23, of which the Assembly requested the Secretary-General to submit to it at its forty-fifth session his views and recommendations on the implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. 1/ It contains a brief summary of the results of the Congress, a consideration of the implementation modalities and constraints, and preliminary proposals for action.

2. The quinquennial United Nations congresses on the prevention of crime and the treatment of offenders have been held since 1955, in accordance with General Assembly resolution 415 (V) of 1 December 1950. They have served as a global forum for discussion, contributed greatly to the process of international consensus-building and standard-setting, and furthered progressive practice. The Economic and Social Council, in its resolution 1990/23, of 24 May 1990, having reaffirmed the importance of the United Nations Congresses as global events providing a forum for the exchange of expertise and experience in priority areas and for the development of policy options and international co-operation in the field of crime, commended the Secretary-General of the Eighth Congress for the important work done in preparing for it, in spite of the limited resources available. In its resolution 1990/27 of the same date, the Council, convinced that, to enhance its effectiveness and responsiveness and meet its increased responsibilities, the United Nations programme in crime prevention and criminal justice require adequate resources, invited the General Assembly, at its forty-fifth session, in considering the report of the Eighth Congress, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein.

3. In preparation for the Eighth Congress and in accordance with existing mandates, in particular Economic and Social Council resolution 1986/10 of 21 May 1986, new draft standards, guidelines and model treaties, were formulated as well as manuals and strategies for practical action. The preparatory process involved a series of interregional and regional United Nations meetings attended by high-level government representatives and experts. These meetings discussed the topics on the Congress agenda in depth and from the standpoint of their regions' special concerns. They also considered the various draft instruments and guidelines proposed for consideration by the Eighth Congress and adopted a number of resolutions and recommendations. In finalizing the proposed new instruments and standards, the Committee on Crime Prevention and Control, as the preparatory body for the Congress, fulfilled a crucial role, reviewing all proposals and submitting them to the Congress for action, through the Economic and Social Council. 2/

4. Additional pre-Congress activities were organized with the support of Governments and other entities, in co-operation with the Secretariat. National statements were also prepared by many countries. Valuable contributions were made by intergovernmental and non-governmental organizations, both through material submitted and the special meetings convened before and during the Congress.

5. Under the overall theme of the Congress, "International co-operation in crime prevention and criminal justice for the twenty-first century", the agenda included five topics: (1) Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation; (2) Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures; (3) Effective national and international action against: (a) organized crime; (b) terrorist criminal activities; (4) Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions; and (5) United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting.

6. Two workshops were organized: one, on alternatives to imprisonment, focusing on research; and the other, on computerization of criminal justice information, with practical demonstrations. A special meeting on technical co-operation for participants from developing States and potential donor countries and a meeting of national correspondents were also convened. A series of ancillary meetings was organized by intergovernmental and non-governmental organizations in close co-operation with the Secretariat. They dealt with the following subjects: community participation in corrections; local crime prevention policies; children deprived of their liberty; waiting for justice: conditions for prisoners awaiting trial in Latin America and Western Europe; priorities for penal reform; prevention and prosecution of computer crime; domestic violence; strategies for increasing the use of alternatives to imprisonment; world-wide moves towards abolishing the death penalty; recidivism: an unsolved problem of criminal policy; implementation of the basic principles embodied in the United Nations declaration on victims; independence of the judiciary; drugs and drug-related crime; implementation of United Nations standards and rules; and not retribution but restoration: an alternative approach to justice. Meetings of regional groups and of special professional interest groups were also held.

7. An exhibit, including national stands and computer hardware and software applications, was organized, as were special film showings. A series of postal stamps commemorating the Congress was issued, and the designs submitted in a competition by artists from different countries were displayed.

8. Over 1,200 participants attended the Congress, including delegations from 127 countries, with 37 ministers of justice and the interior, 48 attorneys-general and chief justices, 22 deputy ministers, 8 senators and other parliamentarians, 28 ambassadors and 31 directors-general and heads of prison administrations and police services, as well as a large number of representatives of intergovernmental and non-governmental organizations and 350 experts as observers. The Director-General of the United Nations Office at Vienna served as Secretary-General of the Congress and the Chief of the Crime Prevention and Criminal Justice Branch served as its Executive-Secretary.

9. The Congress recommended 13 draft instruments and resolutions for adoption by the General Assembly and adopted 3 other instruments and 30 resolutions covering a wide range of priority issues, including proposals for a strengthened United Nations crime prevention and criminal justice programme.

II. SUMMARY OF THE RECOMMENDATIONS AND CONCLUSIONS OF THE EIGHTH CONGRESS

A. Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation (agenda item 3; topic I)

10. This agenda item provided an opportunity to review current trends of crime and to report on new developments in combating it, on the recognition that increased criminality constituted a factor impeding economic growth and social development. It also highlighted, in accordance with paragraph 18 of General Assembly resolution 44/72, the importance attached by Governments to international co-operation in crime prevention and control and the areas identified as requiring concerted action. At the conclusion of its deliberations on this item, the Congress recommended two draft resolutions for action by the General Assembly, and adopted one major instrument, 14 other resolutions and one decision.

11. The draft resolution recommended for action by the General Assembly entitled "International co-operation for crime prevention and criminal justice in the context of development" contains a set of 29 recommendations. Emphasizing that criminal justice efforts should be oriented towards the observance of the principles contained in the Caracas Declaration, 3/ the Milan Plan of Action, 4/ the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order 5/ and other relevant United Nations resolutions, the recommendations propose a wide range of measures for Governments to follow. They also outline viable options for concerted and systematic action to strengthen international co-operation in crime prevention and criminal justice under this important United Nations programme, so as to respond more effectively to the needs and expectations of Member States.

12. The draft resolution entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", recommended for the adoption by the General Assembly, notes the endorsement by the Eighth Congress of the report of the Committee on Crime Prevention and Control entitled "The need for the creation of an effective international crime and justice programme" (E/1990/31/Add.1), which highlighted the alarming present world crime situation and proposed a reinforced and genuinely effective international crime and justice programme, to encompass all the functions necessary to assist countries in combating problems of national and transnational crime and to mount concerted strategies against it. It also calls for the establishment of an intergovernmental working group to elaborate proposals for an effective crime prevention and criminal justice programme and to suggest how it could most appropriately be implemented. The draft resolution invites Member States to convene an early ministerial meeting to consider the group's report and decide on the future programme, including the possible need for a convention or other international instrument to develop the content, structure and dynamics of the programme, including mechanisms for setting priorities, securing the implementation of the programme and monitoring the results achieved. The Secretary-General is requested to take all practical measures to ensure the rapid implementation of the appropriate General Assembly and Economic and Social Council resolutions in so far as they relate to the strengthening and upgrading of the Crime Prevention and Criminal Justice Branch, taking into account

the demands on the Branch created by the above-mentioned meetings and by the current and expected programme of work, including the conclusions and recommendations of the Eighth Congress.

13. In the resolution entitled "Prevention of urban crime", the Congress recommended that Member States take appropriate steps in the following areas: the family, childhood, youth, justice, violence, urban housing and community development, alcohol, drugs and other substance abuse prevention, police, victims, prevention of recidivism, and communications. The Congress invited the Secretary-General to develop the initiating and co-ordination role of the United Nations Secretariat in crime prevention by various means, including the development of tools for monitoring and evaluating public policies designed to combat crime, support of relevant international and national initiatives, establishment of an international data bank on crime prevention; creation of an international foundation for crime prevention and assistance to victims, giving adequate priority to and promoting the objectives of the resolution; and requested the Secretary-General to report on its implementation to the Ninth Congress.

14. In the resolution entitled "Model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property", Member States were invited to consider the model treaty as a framework for negotiating and drawing up bilateral agreements designed to improve co-operation in this area and to report periodically to the Secretary-General. In a related resolution entitled "Use of an automated information exchange to combat crimes against movable cultural property", the Congress requested the Secretary-General to make arrangements, in co-operation with Member States, intergovernmental, non-governmental and other organizations, for the establishment of national and international computer data bases to be used for preventing and combating crimes against cultural heritage, which would contain information on (a) stolen or illegally exported movable cultural property around the world, (b) national legislation and international instruments related to the protection of cultural heritage, and (c) measures to combat international traffic in movable cultural property. The Secretary-General was also requested to examine the feasibility of establishing a fund to be supported by revenues generated from the use of the data bases and to facilitate access to them by countries in need of assistance.

15. In the resolution entitled "The role of criminal law in the protection of nature and the environment", the Congress called upon Member States, inter alia, to recognize the need to modify or enact, where necessary, and to enforce national criminal laws designed to protect nature and the environment, as well as people, threatened by their deterioration. The Secretary-General was requested to encourage the incorporation, in future international conventions for the protection of the environment, of provisions by which States would be expected to enact sanctions under national criminal law, and to prepare a report every five years on developments in environmental criminal law.

16. The Eighth Congress called for increased international co-operation in and new modalities of combating emerging offences. In the resolution entitled "Computer-related crimes", it requested the dissemination of guidelines and standards to assist Member States in dealing with these problems nationally and

internationally. The Secretary-General was asked (a) to convene an ad hoc meeting of experts to submit proposals for national and international action to the Committee on Crime Prevention and Control and (b) to consider the publication of a technical publication on the prevention and prosecution of computer-related crimes.

17. In its resolution entitled "Corruption in government", the Congress recommended, inter alia, that Member States devise administrative and regulatory mechanisms for the prevention of corrupt practices and the abuse of power. The Congress also endorsed the manual on practical measures against corruption (TCD/SEM.90/2), calling for its wide dissemination, and requested the Crime Prevention and Criminal Justice Branch to solicit the views of Governments, intergovernmental and non-governmental organizations and professional associations on the measures advocated. The Committee was also asked to develop a draft international code of conduct for public officials and to keep the issue of corruption under constant review and report on the results to the Ninth Congress. The Department of Technical Co-operation for Development was requested to provide, in co-operation with the Crime Prevention and Criminal Justice Branch, assistance to requesting Member States in the strategic planning of anti-corruption programmes and to sponsor other relevant activities.

18. In its resolution entitled "Organized crime", the Congress invited the Committee on Crime Prevention and Control to study the establishment of a register of judicial sentences for transnational offences, such as trafficking in drugs, arms and persons, for terrorism and offences against ecosystems and cultural property. In its resolution entitled "Racketeering and illicit trafficking in narcotic drugs and psychotropic substances", the Congress called for intensified international co-operation and measures to combat them, with due respect for human rights and the sovereignty and territorial and political integrity of States. In another resolution, entitled "Measures against drug addiction", the Congress called upon Member States to develop and strengthen international co-operation in this area within the framework of the United Nations and specified the principles which should govern it.

19. In its resolution entitled "International co-operation and mutual assistance through training programmes and exchange of expertise", the Congress invited Member States to make available their training facilities to States seeking such training and recommended that the United Nations co-ordinate and promote those efforts. In a resolution entitled "Consolidation of the role of national correspondents", the Congress recognized their key role in the flow of information between Member States and the United Nations and proposed steps to maximize their contribution, especially through the United Nations Crime and Justice Information Network.

20. In the resolution entitled "Development of United Nations criminal justice statistical surveys", the Congress made recommendations on the future design of the world crime trends surveys to ensure more informed decision-making based on the improved collection and analysis of criminal justice statistics. Recognizing the need to develop new approaches for assisting Member States in constructing and extending their data bases on crime trends and to provide assistance to developing countries in this connection (e.g. advice on data collection strategies, assistance in automation and in training of statistical staff), the Congress requested the

Secretary-General to appoint an ad hoc group of experts to provide advice on the future design, development, implementation and analysis of United Nations surveys and invited Member States to become more actively involved in developing criminal justice surveys.

21. In its resolution entitled "Social aspects of crime prevention and criminal justice in the context of development", the Congress appealed to Member States to develop their economic policies with, inter alia, the aim of reducing crime and to support the fourth United Nations development decade; it urged Governments, international finance institutions, trade banks and the international community to seek early and durable solutions to those problems of international trade and debt which impose a particularly heavy burden on developing countries that is exacerbated by the social and material costs of crime. The Secretary-General was requested to propose measures for the increased use of education in crime prevention and criminal justice, in co-operation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other organizations concerned, and to consider the preparation of a manual. International action was called for to protect the environment from further deterioration to ensure better living conditions and to harmonize the provisions of international instruments entailing penal sanctions under national criminal law.

22. In its resolution entitled "Support for the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders", Member States of the region which have not yet acceded to its Statute were urged to do so and to meet their financial obligations to the Institute, thereby broadening its support base. The Congress invited the international community, including scientific and non-governmental organizations, to aid the Institute with funding and technical assistance directly or through the United Nations Social Defence Trust Fund.

23. In its resolution entitled "Support for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders", the Congress requested the Secretariat to support and promote technical and financial co-operation between the developed and developing countries with regard to crime prevention, criminal justice and human rights and urged developed countries outside the region, the United Nations Development Programme (UNDP), the Department of Technical Co-operation for Development and other international agencies and funds to provide greater technical and financial support to the countries of Latin America and the Caribbean, through the Institute.

24. The Congress requested the Secretary-General, in a decision on the "Implementation of the conclusions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", to give attention to practical measures to combat international crime, to promote the effective implementation of norms, standards and instruments adopted by the international community and provide technical co-operation to Member States at their request. A resolution of appreciation to the host Government for its generous hospitality and excellent conference facilities was also adopted under the agenda item.

B. Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures (agenda item 4; topic II)

25. Under this item, the Congress recommended three draft resolutions for adoption by the General Assembly and adopted eight resolutions aimed at the more effective and humane treatment of offenders in institutions and in the community, with emphasis on the wider use of alternatives to incarceration.

26. The draft resolution entitled "United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)", recommended for adoption by the General Assembly, calls upon Member States to disseminate them and ensure their implementation. It also requests the Secretary-General to prepare a commentary on the Rules and urges the regional and interregional institutes and other bodies to assist Member States in their implementation. The Secretary-General is requested to report on progress to the Committee on Crime Prevention and Control at five-year intervals.

27. The draft resolution on "Basic principles for the treatment of prisoners", recommended for adoption by the General Assembly, requests the Secretary-General to bring to the attention of Member States the principles contained in the annex to the resolution, aimed at the constructive and humane treatment of prisoners, as a supplement to the Standard Minimum Rules for the Treatment of Prisoners. 6/

28. The draft resolution entitled "Computerization of criminal justice", recommended for adoption by the General Assembly, calls for the active involvement of Member States in promoting computerization of their criminal justice systems and requests the Secretary-General to undertake a range of activities for the wider use of such technological advances to increase management capability and so upgrade this sector of public administration to strengthen the global United Nations Crime Prevention and Criminal Justice Information Network, to establish a technical co-operation programme to provide assistance to developing countries, and to establish an international group of experts that would, inter alia, monitor the activities of the technical co-operation programme. The Committee on Crime Prevention and Control is requested to consider including this question in the provisional agenda of the Ninth Congress.

29. The resolution entitled "Management of criminal justice and development of sentencing policies" offers guidelines related to the application of the criminal law and sentencing policies for consistency and fairness in the criminal justice system, based on the policies of minimum necessary recourse to official procedures, the minimum necessary use of imprisonment, and the provision of appropriate information to judges on the impact of their decisions on the rest of the system. Recommendations are also given on the management of prisons in crisis situations and on the development of training programmes.

30. The resolution entitled "Principles and directions for research on non-custodial sanctions" provides guidelines for the productive use of research in ensuring that alternative sanctions are used as widely and appropriately as possible.

31. The resolution entitled "Pre-trial detention" addresses one of the major problems of many countries, stressing that pre-trial detention should be used only when unavoidable. The Committee on Crime Prevention and Control is requested to examine the question and to take a number of steps, including presentation of proposals to the Ninth Congress and the Secretary-General is requested to provide the necessary assistance. In another resolution entitled "Assessment for the release of life sentence prisoners", the Committee was requested to study this question.

32. The resolution entitled "Infection with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in prison" recognizes the serious problem posed to the management of prisons in this regard. The Secretary-General is requested, in collaboration with the World Health Organization, to assist prison administrations in the development of national AIDS prevention and control programmes for the prison population, to encourage international co-operation, and to elaborate guidelines for the institutional and clinical management of HIV-infected prisoners and those with AIDS.

33. The resolution entitled "International and interregional co-operation in prison management and community-based sanctions and other matters" supports the approach of the Tokyo Rules in advocating maximum use of community-based sanctions. It also contains recommendations for improving the management of prisons, including the professional status of staff and such areas as work, education, leisure, family visits, juveniles, drugs and health care, as well as international co-operation. It envisages regular regional and interregional meetings of the heads of prison administrations, co-ordinated by the United Nations, and other relevant activities. In another resolution, the Secretary-General was invited to co-operate closely with the International Committee of the Red Cross in the treatment of detainees. A further resolution proposed that the General Assembly proclaim an international year for the protection of victims and rehabilitation of offenders.

C. Effective national and international action against: (a) organized crime; (b) terrorist criminal activities (agenda item 5; topic III)

34. Three major international instruments were approved by consensus as draft resolutions for adoption by the General Assembly; model treaties on extradition, on mutual assistance in criminal matters, and on the transfer of proceedings in criminal matters. The "Guidelines for the prevention and control of organized crime" and the "Measures against international terrorism" were annexed to resolutions of the Congress. The three model treaties are a basis for bilateral negotiations between States, while the two sets of recommendations are designed to assist Governments wishing to improve their domestic and international efforts to prevent and control organized crime and terrorism.

35. The model treaties complement each other and, together, reduce the chances of criminals avoiding prosecution and punishment. Thus, the model treaties on extradition and on the transfer of criminal proceedings represent both sides of the

formula aut dedere aut judicare, ensuring, in so far as possible, that the offender is brought to trial. The model treaty on mutual assistance in criminal matters facilitates the acquisition of all relevant evidence for the prosecution of the offences, regardless of where they were committed. It also contains an optional protocol aimed at the freezing and forfeiture of assets generated by criminal activities.

36. The Eighth Congress recommended in those draft resolutions that the Assembly urge Member States to strengthen international co-operation in criminal justice and inform the Secretary-General periodically of the arrangements established in the areas covered by the model treaties. It is further recommended that the Secretary-General bring the three model treaties to the attention of Member States and that the Committee on Crime Prevention and Control review periodically progress made in applying them and provide guidance and assistance, upon request, to Member States in developing such treaties and the appropriate legislation.

37. The "Guidelines for the prevention and control of organized crime", annexed to the Congress resolution entitled "Prevention and control of organized crime", emphasize, inter alia, national measures, such as the need to raise public awareness and increase public support, to provide better training to upgrade the skills and professional qualifications of law enforcement and judicial personnel, to enact legislation defining new offences with respect to money laundering and organized fraud, as well as computer crimes, and to focus attention on new methods of criminal investigation to follow the money trail. They also underline the importance of international initiatives in such areas as advisory services and technical co-operation and the priority that should be given to mutual assistance, the transfer of criminal proceedings and the enforcement of criminal judgements, including the confiscation and forfeiture of illegal assets, and the development of less complicated extradition procedures.

38. The "Measures against international terrorism", annexed to the resolution entitled "Terrorist criminal activities", underline the importance of international co-operation for its effective and uniform prevention and control. They call for co-operation between law enforcement agencies, prosecution authorities and the judiciary, increased integration within the various agencies responsible for law enforcement and criminal justice, the protection of judges, jurors, lawyers and other criminal justice personnel, modalities of inter-State co-operation in penal matters at all levels of enforcement, education and training of law enforcement personnel, with specialized courses on international criminal law and comparative penal law and procedures, the protection of, and redress for, the victims of terrorism, and the development of public awareness of the dangers of terrorist violence, through the mass media.

39. The measures also urge greater uniformity in the laws and practices of States concerning criminal jurisdictions. Further, the development and implementation by States of extradition treaties, as part of multilateral conventions, regional conventions or bilateral agreements, is considered highly desirable. The measures also call for a study on the feasibility of an international convention to improve the protection of particularly vulnerable targets, whose destruction would cause great harm to society. States are invited to develop appropriate national

legislation for the effective control of weapons, ammunition and explosives and other dangerous materials that find their way into the hands of terrorists.

40. They suggest that the Committee on Crime Prevention and Control present its views on codification of international criminal law to the International Law Commission, and that the Commission be encouraged to continue exploring the possibility of establishing an international criminal court or some other international mechanism with jurisdiction over persons who have committed offences connected with terrorism or with illicit trafficking in narcotic drugs and psychotropic substances. They also recognize the central role of the United Nations, including the crime prevention and criminal justice bodies, in the preservation of peace, the strengthening of world order and the fight against crime under the rule of law.

41. The Eighth Congress, in adopting the Guidelines and the Measures, urged Member States to give favourable consideration to their implementation nationally and internationally.

D. Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions (agenda item 6; topic IV)

42. Four draft resolutions, including two major international instruments, "United Nations Guidelines for the Prevention of Juvenile Delinquency" (The Riyadh Guidelines) and "United Nations Rules for the Protection of Juveniles Deprived of their Liberty", were recommended for adoption by the General Assembly.

43. The Riyadh Guidelines are a set of 65 universally applicable principles intended to prevent juvenile delinquency before young persons come into conflict with the law. Aimed at promoting the well-being of young persons from their early childhood, the Guidelines stress that young persons should play an active role rather than being considered as objects of socialization and control. The Guidelines emphasize early protective and preventive intervention modalities for all young persons, with special attention to situations of "social risk". In the draft resolution recommended for adoption by the General Assembly the Secretary-General is requested to intensify research on particular situations of social risk and on the exploitation of children with a view to developing comprehensive countermeasures, to issue a manual on juvenile justice standards and to report to the Ninth Congress.

44. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty address the overuse of detention for young persons. The Rules specify the conditions required to ensure the fair treatment of young persons deprived of their liberty and to safeguard their rights and well-being, consistent with human rights principles and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention. They cover the management of juvenile facilities and give special attention to pre-trial detention, which poses particularly serious risks. The Rules stress the need to keep juveniles separated from adult offenders and highlight the importance of the proper classification of

juveniles in detention facilities. In the draft resolution recommended for adoption by the General Assembly the Secretary-General is requested to conduct comparative research, to pursue the necessary collaboration and to devise strategies to deal with serious and persistent young offenders, and to prepare a policy-oriented report for submission to the Ninth Congress.

45. In the draft resolution entitled "Instrumental use of children in criminal activities", recommended for adoption by the General Assembly, Member States and the Secretary-General are requested to formulate programmes in this field and take effective action. Furthermore, the Secretary-General is requested to study the situation in different countries in co-operation with relevant agencies and to report thereon to the Ninth Congress.

46. In the draft resolution entitled "Domestic violence", also recommended for adoption by the General Assembly, Member States, the Secretary-General and concerned intergovernmental and non-governmental organizations are requested to include the problem of domestic violence in the agenda of the International Year of the Family. The Secretary-General is also requested to convene a working group of experts to formulate guidelines or a manual for practitioners for consideration by the Ninth Congress and the regional preparatory meetings. The Committee on Crime Prevention and Control is asked to consider placing the topic on the agenda of the Ninth Congress as a priority issue.

E. United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting (agenda item 7; topic V)

47. Three major international instruments were approved by consensus and recommended for adoption by the General Assembly: the "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials"; the "Basic Principles on the Role of Lawyers" adopted by the Congress; and the "Model treaty on the transfer of supervision of offenders conditionally sentenced or conditionally released". The Congress also adopted the "Guidelines on the Role of Prosecutors".

48. The model treaty draws on the experience gained under existing conventions, treaties and agreements. It considers the scope of application, the types of transfer, and the underlying basic principles relating to national sovereignty, dual criminality, rights of the victim, double jeopardy, adaptation and non-aggravation. In the resolution to which the model treaty is annexed the Secretary-General is requested to assist Member States in developing such treaties and to report regularly to the Committee on Crime Prevention and Control.

49. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials distinguish between the general provisions applicable to the use of firearms only and the various uses of force and firearms by individual law enforcement officials, in formation and in larger units, and by prison officers. Special consideration has been given to the use of force and firearms as a last resort, ethical issues, new technologies for developing non-lethal incapacitating

weapons and ammunition for appropriate use, graduated responses by law enforcement officials, proportionate to the situation, qualifications and training in the use of force or firearms by law enforcement officials, stress-counselling for law enforcement officials required to use force or firearms in the course of their duties, and effective reporting and review procedures.

50. The Basic Principles on the Role of Lawyers have a limited but well-focused approach: they contain pragmatic suggestions for the day-to-day operation of the legal profession, with emphasis on criminal justice. Attention is given to effective access to legal services for all groups within society, the right of the accused to counsel and legal assistance of their own choosing, education of the public on the role of lawyers in protecting fundamental rights and liberties, training and qualifications of lawyers and the prevention of discrimination with respect to entry into the legal profession, the role of Governments, bar associations and other professional associations of lawyers, the right of lawyers to represent clients or causes without fear of repression or persecution, and the obligation of lawyers to keep communications with their clients confidential, including the right to refuse to give testimony. In adopting the Principles, the Congress took into account the study and draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and on the independence of lawyers (E/CN.4/Sub.2/1985/18 and Add.1-6 and E/CN.4/Sub.1/1988/20/Add.1 and Add.1/Corr.1), in accordance with resolution 1989/32 of the Commission on Human Rights.

51. The Congress requested the Secretary-General to disseminate the instruments and to bring them to the attention of Governments and all United Nations bodies concerned, to include them in the next edition of the United Nations publication entitled Human Rights: Compilation of International Instruments to provide Governments, at their request, with expert services and regional and interregional advisers to assist in implementing the standards, and to report to the Ninth Congress on the technical assistance and training actually provided and to the Committee on Crime Prevention and Control, at its twelfth session, on the steps taken.

52. The Guidelines on the role of prosecutors, annexed to the Congress resolution of the same title, seek to promote fairness, openness, accountability and efficiency in matters relating to prosecution. They stress the importance of decisions to prosecute or waive prosecution, the exclusion of discriminatory factors in decision-making, the qualifications, selection and training of prosecutors, their status, special responsibilities, conditions of service and tenure, the discretionary functions of prosecutors, their role in criminal proceedings, alternatives to prosecution, relations with the police and other public institutions, and disciplinary proceedings. The Congress requested the Secretary-General to disseminate the Guidelines widely, to prepare quinquennial reports on their implementation, beginning in 1993, and to assist Member States in their implementation.

53. In addition to these four instruments in the field of human rights in the administration of justice, the Congress adopted three other resolutions. In the resolution entitled "Protection of the human rights of victims of crime and abuse

of power", the Congress, inter alia, requested the Secretary-General to study the feasibility of establishing an international fund, within the framework of the United Nations crime prevention and criminal justice programme, for the compensation of, and assistance to, victims of transnational crimes, the promotion of international research, data collection and dissemination and for the formulation of policy guidelines. The Secretary-General was further requested to distribute widely the Guide for Practitioners on the Basic Principles of Justice for Victims of Crime and Abuse of Power (A/CONF.144/20, annex) and the Measures for Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/NGO/1).

54. In its resolution entitled "Transfer of enforcement of penal sanctions", the Congress, inter alia, called upon the Secretary-General to provide or facilitate the provision of professional advice and technical support for Member States interested in concluding agreements in this area. The Secretary-General was also called upon to encourage international collaboration in research, using, in particular, the United Nations regional and interregional institutes for the prevention of crime and the treatment of offenders.

55. In its resolution entitled "Development of future procedures for evaluating the extent to which Member States implement United Nations norms and guidelines in criminal justice and crime prevention", the Congress, inter alia, requested the Secretary-General, subject to the provision of extrabudgetary funds, to convene an ad hoc group of experts, in accordance with the principle of equitable geographical representation and with special consideration to developing countries, charged with the task of submitting proposals to the Committee on Crime Prevention and Control, at its twelfth session, for promoting the implementation of existing standards, consolidating and rationalizing arrangements, for such evaluation and improving the techniques for the effective evaluation and monitoring of the implementation of United nations norms and guidelines in crime prevention and criminal justice.

III. IMPLEMENTATION MODALITIES AND CONSTRAINTS

56. The number and scope of the recommendations made by the Congress reflect the extensive needs in the crime field and expectations of suitable action by the United Nations in helping to meet them. Yet, there is a wide gap between these needs and expectations and the existing possibilities of fulfilling them. In stressing the urgency of practical implementation of the new and past mandates, the Congress assigned highest priority to operational work, calling for strengthened international co-operation and technical assistance to developing countries in combating crime and improving the quality of justice.

57. That the Congress identified so many new areas for action attests to the pervasive world requirements in this field and the fact that the United Nations capabilities have not kept pace with the steadily widening extent and new transnational forms of crime. This serious problem has been highlighted by the Congress, the Committee on Crime Prevention and Control, the Economic and Social Council and the General Assembly in resolutions adopted in light of the comprehensive reviews of the United Nations crime programme. 7/ The following proposals are made for the implementation of those mandates.

58. In implementing the Congress recommendations efforts will be made to ensure a well-focused approach. Rationalizing and streamlining the work represent an overriding objective of the programme. The Congress sought to advance this process. Many of its decisions are aimed at optimizing activities under way or those to be undertaken. Some seek to consolidate the work done and promote its practical application; others specify new areas for international co-operation. The emphasis of the Congress on practical action and on an expanded operational outreach is reflected in the proposals. The Congress recommendations, in conjunction with the proposed medium-term plan for the period 1992-1997 (A/45/6), have established a basic set of priorities for the future United Nations crime prevention and criminal justice programme.

A. Transnational criminality

59. Transnational criminality was a clear pre-occupation of the Congress, which sought measures - including legal instruments - for ensuring more effective global collaboration. Consequently, further bilateral and multilateral instruments and standards will be developed, along with model codes. The envisaged model legislation on the forfeiture of the proceeds of crime, along with the standards for international assistance in respect of bank secrecy, should facilitate the seizure and confiscation of such assets. The international standards to be formulated should inhibit money laundering connected with organized criminal activities, such as illicit drug traffic and terrorism.

60. As the Congress requested, standardized forms will be prepared, for example, to facilitate requests for extradition and mutual assistance, and practical arrangements will be developed to promote collaborative action by the respective services of interested States. A study will be conducted as a basis for a uniform standard of penalties for terrorism, and reports prepared on terrorist violence.

61. Not only will a variety of means be devised to combat negative practices transcending national frontiers, such as corruption, but positive prototypes will also be advanced. As a complement to the Manual on Measures Against Corruption (A/CONF.144/8), which is to be widely disseminated and applied with international assistance, a draft international code of conduct for public officials will be formulated, for submission to the Committee on Crime Prevention and Control. Apart from its special relevance for criminal justice personnel, it should assist Governments in upgrading the quality of this public service sector and to curtail illicit activity.

62. To help harmonize national legislation pertaining to major transnational offences and bridge loopholes or gaps deriving from inter-State differences apt to be criminogenic or conducive to the transfer of criminal operations, criminal law reviews will be undertaken in such areas as organized crime, illicit drug trafficking, corruption, protection of the environment and of cultural patrimony and terrorist criminal practices, with periodic reports on new developments. This work should not only ensure more appropriate and harmonized national legislation but also the incorporation of suitable provisions in other international

instruments (e.g. clauses on criminal sanctions in future international conventions on environmental protection), contributing to the codification of international criminal law, and to the establishment of the proposed international criminal court.

63. Feasibility studies will also be conducted, for example, on the possible establishment of a universal or regional register of judicial decisions rendered in cases of transnational crime, on the development of a computerized data base on stolen cultural property, and on the application of criminal sanctions to computer crimes.

B. Crime prevention planning and criminal justice management

64. The Congress emphasized the need for action at the international and national levels and the role of the United Nations in promoting more effective crime prevention and more humane justice.

1. Crime prevention planning

65. The formulation of guidelines for multidisciplinary, intersectoral strategies, in accordance with the resolutions on crime prevention and criminal justice in the context of development, the social aspects of development, and the prevention of urban crime, should promote their practical application by Member States. As a complement to the inventory of comprehensive crime prevention measures, submitted to the Eighth Congress, an inventory of measures for specific crimes (e.g. burglary, violent theft and street crime) will be prepared. At the same time, methods and techniques for the assessment of policies aimed at curtailing crime will be devised, for submission to the Committee on Crime Prevention and Control.

66. An international data bank on new developments and pilot programmes designed to combat urban crime will be established to keep up to date the agencies of Member States involved in crime prevention. Inter-State co-operation, especially with developing countries, will be furthered at the policy, scientific and technical levels. This will include the promotion of exchanges between cities and local communities implementing preventive programmes and demonstration projects utilizing a multidisciplinary and intersectoral approach. Agencies and offices of the United Nations system will also be encouraged to take into account, when formulating their programmes, the priorities established by the Eighth Congress. In particular, substantive backstopping and co-ordination will be necessary to help the United Nations regional and interregional institutes on crime prevention and criminal justice organize meetings and exchanges and to intensify research and training in this area. Technical support will also be provided for other salient initiatives, such as the Second International Conference on Safety, Drugs and the Prevention of Urban Crime (Paris, 18-20 November 1991).

2. Criminal justice management

67. The Congress called for more rational, effective and accountable management of criminal justice systems through the application of technological advances, such as computerization techniques, and other means and for the more humane and effective treatment of adult and juvenile offenders and of victims. The implementation of the various guidelines adopted requires continuous monitoring and assistance, with periodic reporting. Taking into account the world-wide problem of severe prison overcrowding and the high human and material costs of imprisonment, including detention pending trial, the use of alternative sentencing dispositions, with non-custodial options and community participation, will be promoted through training, the exchange of expertise and experience, and demonstration projects.

68. Policy and research attention will be given to the treatment of special categories of offenders, including long-term, drug-addicted and AIDS- or HIV-infected prisoners, and to the protection of juvenile offenders deprived of their liberty. The principles for the improved management of both adult and juvenile facilities will be supplemented by commentaries on the new standards and other ways of fostering their practical application. Since institutionalization should be a measure of last resort, more viable options will also be explored, including ways of handling serious and persistent young offenders whose entry into criminal careers may be a result of their inappropriate treatment.

69. The United Nations not only plays an international role but must help Governments to achieve real impact at the national and local levels in the following areas: the development of criteria and benchmarks to measure crime; identification of areas of priority needs and of technical assistance requirements in meeting them, be they for special equipment and skills, as in the case of computerization; guidance on greater use of less extreme measures than incarceration and on greater use of indigenous practices and traditions as an alternative to formal criminal justice; and guidance on means of promoting the observance of human rights in the administration of justice. The development and sharing of knowledge, practical demonstration schemes and in-service training, in co-operation with the United Nations institutes and interested Governments, should lead to viable treatment policies and help to conserve valuable human and material resources that can usefully be employed to meet development goals.

70. Systematic contacts and exchanges, especially among penal administrators, will be promoted to permit the centralization and provision of information, the preparation of models (e.g. for the collection of prison statistics), the organization of seminars and workshops on matters of mutual interest, and the sharing of professional expertise and national experience among particular groups of countries and world wide.

71. Strengthened United Nations action will also be pursued on behalf of victims of crime and abuse of power, or of particular categories of victims such as the victims of terrorism, child victims exploited as a means of crime, and victims of domestic violence. The initiatives required to give effect to the Congress resolution on the human rights of victims and to Economic and Social Council resolution 1990/92, to which it refers, include the wide dissemination of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

and of relevant materials to help its application; the development of a comprehensive inventory of measures for victims and the prevention of victimization; research and skill-building in treatment of victims; technical assistance in developing services for victims; provision of international means of redress where national channels are insufficient; monitoring and curtailing serious victimization through conflict resolution techniques; and development of funding possibilities and other means of alleviating the plight of victims.

C. Application of United Nations norms and guidelines

72. While many countries have successfully implemented the United Nations standards, serious shortfalls still exist in various parts of the world, as relevant United Nations surveys have indicated. Among the major obstacles to successful implementation, as noted at the Congress are the lack of co-ordinated action, a shortage of funds, the low priority accorded to such matters, inadequate human and professional resources and, all too often, lack of political will or public apathy. Greater public awareness of the issues might elicit both increased support and additional resources, while strengthened technical assistance can show how the United Nations guidelines can be concretely applied.

73. The United Nations has been requested to assist interested Governments in implementing the guidelines and standards by carrying out the following tasks: devising effective procedures for their application in the context of economic and social development strategies and the changes taking place in various parts of the world; strengthening technical co-operation and advisory services; incorporating the United Nations instruments in national legislation and making the standards and guidelines available, in the appropriate language and form, to all those concerned; using educational and promotional processes in schools, colleges and academies of criminal justice, as well as law faculties and professional groups; exploring the role of the mass media and their active support; increasing community involvement; creating an atmosphere conducive to the observance of the principles embodied in the instruments and developing ways of overcoming resistance towards them; establishing or strengthening national committees for the promotion of United Nations norms and guidelines; and enhancing evaluative research.

74. The wider dissemination of the reports on implementation submitted to the Committee on Crime Prevention and Control and a strengthened role of the Committee and the Congresses in overseeing, evaluating and following up the reports, including appropriate recommendations, should contribute to their application. Direct support to the Member States through reinforced advisory services and concrete follow-up by means of specific projects would further action at the national level and help to meet the many requests for technical assistance in conforming to United Nations standards and norms.

75. A comprehensive plan will be prepared for review by an ad hoc group of experts, in 1991, with concrete proposals to the Committee on Crime Prevention and Control for the promotion of implementation of the existing standards, their consolidation, if necessary, and the monitoring and evaluation of their practical application, also in accordance with Economic and Social Council resolution 1990/21.

D. Strengthening international co-operation and the United Nations crime and justice programme

76. The Eighth Congress noted the growing discrepancy between the world-wide crime prevention and criminal justice needs and the United Nations response. It also endorsed the recommendations of the Committee on Crime Prevention and Control on the creation of an effective international crime and justice programme and, in accordance with General Assembly resolution 44/72, sought to give it appropriate follow-up. In so doing, the Congress highlighted the modalities of international co-operation that particularly need to be reinforced and extended and the new means for furthering it that will have to be devised.

1. Technical co-operation and assistance

77. The recurrent emphasis on practical action in almost all the resolutions was reflected in the overriding importance attached to strengthened technical co-operation and assistance in the crime field. The call for outside expertise and other aid in applying United Nations standards and guidelines was echoed throughout, as were the pervasive crime problems and requirements of most developing countries suffering also from economic crises, increasing poverty and the lack of appropriate technical skills and means.

78. Various ways of expanding United Nations crime-related assistance were proposed, including the provision of additional interregional, regional and technical advisory services; inclusion of relevant projects or project elements in the UNDP country programmes; mobilization of training resources in developed and other countries, with special emphasis on certain areas; initiation of feasibility studies, pilot and demonstration projects. The United Nations donor agencies were urged to give appropriate priority to assistance in this area in view of its critical importance and the negative impact of crime on the development process. Some efforts in this direction have previously been made, for example, by the Interregional Adviser and the regional institutes, and by including technical co-operation activities among those financed by the United Nations Social Defence Trust Fund and those carried out by the United Nations Interregional Crime and Justice Research Institute. These efforts, however, have so far been limited by the lack of funds, so that the vast majority of the acute needs of developing countries in this sphere continue to be unmet.

79. Although some Governments have sponsored certain activities and projects, the lack of possibilities for their extension or replication and of the requisite infrastructure for other appropriate follow-up has forestalled the kind of multiplier effect that would make a difference. If the vicious circle of lack of means and access to technical co-operation tools is not to further handicap operational efforts in the crime field, then drastic measures must be taken to break it. The consensus at the Congress, the Committee on Crime Prevention and Control and other United Nations forums on this overriding necessity must be given tangible effect. Unless it is acted upon now, the situation in many countries risks deteriorating further.

80. Some countries, anxious to speed up the process of transition to democracy and

a market or mixed economy, have instituted more liberal crime control policies, deinstitutionalizing many offenders and revising their criminal legislation. In spite of repeated requests for assistance, however, it could not be provided because of the unavailability of means. Sharply rising crime rates and the emergence of acute new problems, such as organized and economic crime, in a number of these countries compound their needs. Without preventive aid, the situation can be expected to deteriorate further and to affect negatively not only the quality of life but also the economic climate and prospects for investment.

81. Some of the requested activities, such as training, have been included in the proposed medium-term plan, to be implemented mostly as continuing programmes of the United Nations regional crime and justice institutes. The training tasks for the United Nations envisaged by the Congress in its resolutions, however, necessitate considerable strengthening of these efforts, especially interregionally, with an expanded central co-ordinating role. The establishment of the requested co-operative training programme involves the identification and utilization of training opportunities available in the field of crime prevention and criminal justice, as a whole, and in the areas emphasized by the Congress, in particular. This is a major undertaking but one that should yield significant returns, especially if proper linkages are established and maintained with the United Nations institutes and with governmental, professional and scientific institutions, as well as with the fellowship programme of the Department of Technical Co-operation for Development, to create a world-wide training network serving developing countries and others with specific requirements.

2. Policy-oriented research and analysis

82. Research is required in various new subject areas, for instance, environmental offences and computer crimes, as well as others, such as the treatment of juveniles at risk, the instrumental use of children in crime, the situation of long-term prisoners and pre-trial detention. Further, comparative research will be undertaken, as will evaluative research, to facilitate assessment of the measures used and circumstances warranting them. The access of developing countries to the results of empirical studies will be increased, as well as their participation in them, augmenting their knowledge base and expertise.

83. Joint research arrangements with the United Nations institutes and the scholarly community will be expanded, thus extending the scientific base of the prospective efforts and ensuring a systematic flow of research-related information and feedback from research results. Experimental innovation through pilot projects and feasibility studies, as an important means of promoting practical action in the context of technical assistance, will be actively pursued.

84. The United Nations criminal justice surveys are a unique source of quantitative data and qualitative information on the world crime situation and measures adopted against crime in their socio-economic context. Their usefulness has been recognized, as have the problems faced by developing countries in providing the required responses. Assistance to States in this regard and the further development of the surveys should increase their timeliness and coverage,

combined with the further development of indicators, indices and forecasting techniques, as well as national and regional profiles to be prepared in co-operation with the United Nations institutes. If well performed, this complex exercise can serve as a prime research and service function whose results, to be incorporated in the United Nations data base, will help to guide national policy-formulation.

3. Information sharing and exchange

85. In a number of resolutions the Congress requested the establishment of data banks on special subjects; in others it called for expanded automated information exchange and networking in the crime field as a whole. These requests reflect the necessity, underlined time and again, for an empirical knowledge base for policy-making and programming. An attempt has been made to respond to it through the initiation of the United Nations Crime Prevention and Criminal Justice Information Network. The necessary human and material resources for its effective operation, however, have so far not been forthcoming. If it is to fulfil its intended function and also to provide the special data bases and services requested in the various resolutions, the necessary equipment and staff time will have to be alloted. The Network's further development, in a phased way, must be accompanied by the expansion, also, of the regional clearing-houses and establishment of interfaces with other major crime-related information systems.

86. The new requests, such as that calling for the development of facilities for systematic, continuing inputs to the United Nations information network by the national correspondents, establishment of rosters of experts, organizations and other sources of technical assistance and training, and for the automation of justice procedures, make still clearer the need for an adequate computer infrastructure and servicing. If the services come available, they would permit also the fulfilment of other important tasks highlighted by the Congress, such as the centralization of research-related information, particularly research and evaluation results, and the transfer of knowledge. This is an ambitious project also because of the multidisciplinary nature of the crime field, but an effective international service of this kind should not only ensure access for Governments, practitioners and researchers to up-to-date, comprehensive information but also allow them to build on what is available and to effect savings in the long run. Given the rapidly increasing work-load in the implementation of United Nations standards, the entire reporting and monitoring system needs to be rationalized and computerized, with a view to enhancing efficiency and facilitating reporting by Member States, as well as the analysis of their reports.

87. The information dissemination function of the United Nations in the crime field must be strengthened in all possible ways. In spite of the efforts in this direction made to date and the steps taken by some Governments, the United Nations standards and other work products are still insufficiently known. The elaboration and exchange of educational materials in the areas identified by the Congress will be undertaken. Greater visibility and outreach of the United Nations crime and justice programme through a variety of means are necessary, including special user-targeted publications, pamphlets and press releases, as well as systematic information campaigns.

4. Collaboration and co-ordination

88. A number of envisaged activities require a new type of collaboration with other United Nations entities, such as the Centre for Human Rights, the Office of Legal Affairs, the United Nations Environment Programme and the United Nations Children's Fund. Some Congress resolutions, like those on urban crime prevention and domestic violence, imply co-operation with other parts of United Nations Office at Vienna, both within the Centre for Social Development and Humanitarian Affairs and with the United Nations bodies in the field of narcotic drugs. Reinforced linkages with intergovernmental and non-governmental organizations, and with national and international professional associations and scientific institutions will also be necessary.

89. The co-operative training network and the mechanism for the transfer of knowledge, linked to the scientific advisory council, should help to promote them. Inter-agency collaboration has not yet yielded the desired results, though some joint initiatives have been taken (e.g., with WHO on the treatment of HIV-infected and AIDS prisoners, and with UNESCO on the protection of cultural patrimony). Experience has underlined the fact that United Nations crime-related activities are carried out almost entirely by the Crime Prevention and Criminal Justice Branch, which has also been entrusted, under Economic and Social Council resolution 1979/19, with the co-ordinating responsibility in this field.

90. Sources of voluntary funding have to be more systematically tapped, staff time and means permitting. The continuing low level of contributions to the United Nations Social Defence Trust Fund, in spite of the generosity of some Governments, has confirmed the fact that fund-raising is an intensive process requiring advance project formulation and negotiations with prospective donors, as well as seed money to undertake them. This is true also of the requisite contacts with the United Nations funding agencies and with outside foundations, impeded by geographical and logistical factors.

91. The United Nations crime prevention and criminal justice institutes have been fulfilling an invaluable role, but are severely handicapped, especially those located in developing regions, for example the institutes in Africa and in Latin America, by insufficient material support from countries in their regions. Institution-building and consolidation, as well as fund-raising and diversification, will require intensified work, particularly with respect of the newly established African Institute.

92. Recognizing the present constraints, the Congress called for adequate support of the United Nations institutes, which have a crucial role to play in international and South-South co-operation. It could be provided through various means, including technical backstopping, on-site visits, staff secondments, joint training initiatives and research projects, periodic briefings and consultations, programming and fund-raising assistance and other initiatives, as resources permit. If inter-institute collaboration is to be strengthened, more joint opportunities and exchanges will also be necessary. This is true also of initiatives designed to improve the functioning of the network of national correspondents and institutes' alumni.

93. Co-ordination of another kind is mandated to foster joint action by States against transnational crime problems of mutual concern. This will be furthered through the development, promotion and monitoring of practical co-operative arrangements and operational schemes involving law enforcement and customs officials from several countries with similar problems, as well as others concerned, in particular prosecutors and judges involved in the investigation of transnational crimes.

5. Increasing institutional capacity

94. The Eighth Congress approved more instruments and adopted more standards and guidelines than have all the previous United Nations congresses together. The stress placed on implementation in all resolutions underlines the importance of giving them practical effect. It was pointed out that, although specific priorities varied with the countries, many, especially developing, States had a whole spectrum of needs. The proposed medium-term plan has acknowledged the increased importance of this subject area by including it as a separate programme entitled "Crime prevention and criminal justice" (see A/45/6, Prog. 29). It contains three comprehensive subprogrammes corresponding to the main areas of the field and principal programme activities. The new mandates can be incorporated in this overall framework, but involve a wide range of additional tasks.

95. The request for the designation of an intergovernmental working group and convening of a ministerial summit meeting to establish a viable crime prevention and criminal justice programme is a call for action that should bear concrete results. Since, in spite of the recent programme reviews and successive General Assembly and Economic and Social Council resolutions, no changes have so far been forthcoming, the Congress envisaged this modality as a means of eliciting the help of Governments and a partnership of the international community as a whole in resolving the impasse. By asking that the necessary means be provided for this urgent work, that the relevant resolutions be implemented, and that the United Nations crime and justice programme be strengthened and upgraded, the Congress expressed the will of Governments to bridge the wide gap between the extensive needs and the limited response. The working group and the inter-ministerial meeting should further elaborate the particulars of a really effective United Nations programme in an area that is among many countries' pressing concerns, and which deserves higher priority in the United Nations system than it has received.

IV. PROPOSALS FOR ACTION

96. Additional new activities must be undertaken as soon as possible in order to respond to the requests of the Eighth Congress. The Congress identified a wide spectrum of requirements unmet because of the limitations of both national and international capacity to deal with the worsening crime situation. It called for progress reports in several matters, to be submitted to the Committee on Crime Prevention and Control in early 1992, necessitating intensive work during 1991. The intergovernmental working group and the ministerial summit are major initiatives requiring thorough preparation in order to yield the most fruitful results.

97. The new tasks mandated by the Congress include the preparation of a dozen manuals, guidelines, compendia or technical publications, a series of periodic reports to the Committee on Crime Prevention and Control and 16 reports on new subjects for the Ninth Congress. In addition to the establishment of nine data banks, the convening and servicing of eight working groups and the provision of technical assistance to Member States in the implementation of almost all resolutions adopted were requested. Activities related to the accomplishment of those tasks are as follows:

1. Expansion of the United Nations Criminal Justice Information Network to render additional services, to an increased number of users and to develop the following international data bases:

   (a) Input from national correspondents;

   (b) Information on available training resources, for the establishment of a co-operative training network;

   (c) Measures to combat crime, especially new developments and pilot projects, and preventive measures for specific crimes, for the compilation of the requested inventories;

   (d) Measures for victims, for the compilation of the requested inventory;

   (e) Computerized data base on stolen cultural property and on countermeasures;

   (f) Computerized data base on terrorist criminal acts for annual reports: incidents, arrest, prosecution, adjudication and sentencing for international circulation;

   (g) Feasibility study of the establishment of a universal or regional registers of judicial decisions in cases of transnational crime;

   (h) Information on methods and techniques for evaluation of policies to curtail crime;

   (i) Information on criminal justice computerization programmes.

2. Collection and analysis of crime statistics:

   (a) Development of criminal justice indicators, projections and country and regional profiles, for more reliable, comprehensive and frequent United Nations surveys of crime trends, and crime prevention and criminal justice strategies;

   (b) Assistance to countries and United Nations regional institutes;

   (c) Preparation of biennial reports.

3. Crime prevention through effective law enforcement:

(a) Promotion of crime prevention strategies and measures through inventories and manuals;

(b) Application of modern technological advances in crime prevention and control, including preparation of a handbook and development of pilot schemes and demonstration projects;

(c) Promotion of collaborative activities between national police services, especially against transnational crime.

4. Improved criminal justice management:

(a) Application of modern managerial techniques and technological developments, such as computerization;

(b) Evaluation of effectiveness through cost-benefit approaches;

(c) Upgrading quality of personnel through training, formulation and promotion of code of conduct for public officials;

(d) Integrated planning of criminal justice system; needs assessment and pilot schemes.

5. Crime prevention and criminal justice training and education:

(a) Preparation of manual on education in crime prevention and criminal justice, as well as of other training materials, packages and modules, audio-visual aids and correspondence courses;

(b) Training of trainers through seminars, workshops, special study and exchange programmes, in collaboration with the United Nations regional institutes;

(c) Development of co-operative international training scheme, through collation of information on training opportunities available nationally, regionally and internationally and assistance in accessing them.

6. Environmental penal protection:

(a) Preparation of reports on developments in the field of environmental criminal law;

(b) Study of the possibilities of further harmonization of the provisions of existing international instruments entailing penal sanctions under national laws;

(c) Formulation of provisions concerning penal sanctions under national and international law and for redress to the victims, for incorporation in future international conventions for the protection of the environment.

7. Organized and economic crime, including corruption:

(a) Inventory/manual of measures against organized crime;

(b) Preparation of guidelines on protection of legitimate business from infiltration by organized crime;

(c) Measures against money laundering, forfeiture of illegal proceeds of organized crime, and detection of illicit activities;

(d) Protection of judges and witnesses.

8. Prevention of terrorism and other violence:

(a) Study for formulation of convention for protection of particularly vulnerable targets and assistance to victims;

(b) Anti-terrorist law enforcement measures;

(c) Psychological profiles, crisis intervention and other non-violent conflict resolution techniques for preventing and resolving terrorist incidents.

9. Model legislation and treaty implementation:

(a) Preparation of model national legislation on protection of cultural property, including preventive and law enforcement aspects and inter-State strategies;

(b) Feasibility study of consolidation of existing instruments for inter-State co-operation in criminal justice matters and/or multilateral treaties, starting with extradition, including preparation of standard forms;

(c) Assistance to Member States in drafting legislation on use of model treaty for bilateral arrangements;

(d) Preparatory work for elaboration of model treaty on transfer of enforcement of penal sanctions.

10. Corrections:

(a) Formulation of guidelines and other means of furthering more appropriate and humane prison administration, with emphasis on the observance of prisoners' rights (including supervisory mechanisms);

(b) Formulation of operational standards and agreed indicators for evaluation of practice in areas covered by the United Nations Standard Minimum Rules;

(c) Guidelines on the treatment of special categories of prisoners, such as those in pre-trial detention, those serving life sentences, HIV-infected and AIDS prisoners, women prisoners and young prisoners;

(d) Promoting the use of non-institutional alternatives, including preparation of a commentary to the Tokyo Rules;

(e) Comparative studies, with a view to expanding the range of non-institutional options, harmonizing national laws and facilitating their application across frontiers in accordance with the model treaties.

11. Protection of and redress for victims of crime and abuse of power:

(a) Development of operational procedures for monitoring developments with a view to curtailing serious victimization;

(b) Development and application of mediation and other forms of non-violent conflict resolution;

(c) Preparation of inventory of measures on behalf of victims, including special categories of victims such as victims of organized crime, terrorism and environmental crime, and for the protection of particularly vulnerable groups, such as young persons, members of minority groups;

(d) Preparation of a manual on measures against domestic violence;

(e) Studies of exploitation and use of children for criminal activities;

(f) Feasibility study on development of international means of recourse and redress where national channels may be insufficient, including the possible establishment of a United Nations fund for such victims.

12. Technical co-operation and assistance in the implementation of United Nations norms and guidelines:

(a) Preparation of comprehensive implementation plan for monitoring the application of United Nations standards;

(b) Assistance needs assessment;

(c) Development of methods for the evaluation of progress towards the achievement of postulated targets;

(d) Initiation of pilot schemes and strengthening advisory services for this purpose.

V. CONCLUSION

98. The programme budget implications of the draft instruments and resolutions for the consideration of the General Assembly are being issued separately.

99. In his report on the work of the Organization the Secretary-General underlined the need for concerted international action against social disorder, crime, violence and other afflictions which undermine the prospect of a stable world order and a better human condition as the ultimate aim of development. As the vision of global peace moves nearer - in spite of the persisting problems - and the observance of fundamental human rights and basic freedoms gains ascendancy, there is a chance to tackle these obstacles to their full exercise. Internal peace and the rule of law are increasingly being threatened by crime which in its new, transnational forms is undermining sustained national growth, the foundations of the legitimate institutions of society and even relations between States. Effective responses to the challenges to security both from without and within are therefore urgently needed, and should be provided, in accordance with the recommendations of the Congress. If they are innovative and wide-ranging enough, they could have real impact and prevent further escalation of crime which is impairing the quality of life the world over. They could also strengthen the pursuit of justice as an essential condition of a viable national and international order.

100. The Eighth United Nations Congress has not only pointed the way but outlined the directions for concrete action. It recognized the chasm that still exists between declared precepts and even widely accepted United Nations norms, and the actual practice. It called for ways of bridging the gap and helping Governments to do so. The Congress envisaged an effective international/national partnership and an enhanced United Nations role in providing the framework for sustained progress in combating the pernicious phenomena of contemporary crime. It acknowledged both the importance of political will and of technical know-how in ensuring the likelihood of success.

101. How to give tangible effect to the recommendations and expectations of the Congress is a matter before the General Assembly. The consensus by which Governments at the Congress, represented by high-level policy makers, adopted all the resolutions reflects agreement that incisive steps must be taken and that the United Nations must respond more vigorously to the dangers - but also the challenge - of crime. Recent events have underlined the potential of collective efforts against common threats. The nefarious links between organized criminality, especially illicit drug traffic, corruption, violence and a vast array of other crimes, have revealed the futility of piece-meal measures. If it is to succeed, a

global strategy must confront these critical issues of our day in a coherent and far-sighted manner, not only to relieve the severe current problems but also as a key to a better future.

Notes

1/ The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held at Havana from 27 August to 7 September 1990. For the report of the Congress, see A/CONF.144/28.

2/ For the report of the Committee on Crime Prevention and Control at its eleventh session, see Official Records of the Economic and Social Council, 1990, Supplement No. 10 (E/1990/31).

3/ General Assembly resolution 35/171, annex.

4/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

5/ Ibid., sect. B.

6/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1), sect. G.

7/ With regard to instruments alone, up to 1978 there was only one international instrument requiring periodic reporting: a decade later there were 10; as a result of the Eighth Congress decisions, there will be 25 such instruments. The work-load has also increased exponentially in other respects, while the scant resources for this programme have not been augmented. See, also, report of the Committee on Crime Prevention and Control on its eleventh session, E/1990/31, chapters II, III and IV, and Add.1.

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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Situation of human rights in El Salvador

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report on the situation of human rights in El Salvador prepared by Professor José Antonio Pastor Ridruejo, Special Representative of the Commission on Human Rights, in accordance with paragraph 17 of Commission resolution 1990/77 of 7 March 1990 and Economic and Social Council decision 1990/242 of 25 May 1990.

ANNEX

Report on the situation of human rights in El Salvador prepared by the Special Representative of the Commission on Human Rights in accordance with paragraph 17 of Commission resolution 1990/77 and Economic and Social Council decision 1990/242

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I. INTRODUCTION

1. This report has been prepared pursuant to Commission on Human Rights resolution 1990/77 and Economic and Social Council decision 1990/242. It refers to the situation of human rights in El Salvador during the months that have elapsed in 1990, although it must obviously be read in the light of the reports submitted by the Special Representative since 1981. The Special Representative is grateful for the co-operation extended to him in discharging his mandate by the Government of El Salvador and other Governments, by the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front - FMLN), international and non-governmental organizations and other individuals and institutions.

2. By letter of 28 June 1990, the Special Representative told the Government of El Salvador that he would like to visit the country between 22 and 30 September 1990. The Government finally granted permission for the visit to take place between 30 September and 7 October.

3. During his stay in El Salvador, the Special Representative had an opportunity to meet with the Constitutional President of El Salvador, Mr. Alfredo Cristiani, with senior authorities and officials of other branches of Government and with chiefs and officers of the armed forces and security forces. At the headquarters of the Archdiocesan Legal Protection Office (Tutela Legal del Arzobispado), we interviewed numerous witnesses brought forward by the latter and by other non-governmental humanitarian organizations and received extensive oral and written information from those organizations and from peasant and trade union movements. He held meetings with independent individuals and, lastly, visited the Santa Ana prison where was able to talk confidentially to political prisoners of various ideologies. The Special Representative also interviewed representatives of FMLN outside the country.

II. OVERALL POLITICAL SITUATION

4. The armed conflict between the regular armed forces and FMLN guerrilla organizations continued in El Salvador during the months that have elapsed in 1990, leaving a trail of blood, violence and destruction. It should be noted, however, that this situation did not hinder the resumption and intensification of the dialogue and negotiation process now taking place under the auspices of the United Nations Secretary-General.

5. In fact, the dialogue and negotiation process which took place between the Government of El Salvador and FMLN in 1989 was suspended without having produced any concrete agreement at the meetings held in Mexico in September and in Costa Rica in October. The third meeting, scheduled for November in Venezuela, was cancelled as a result of the attack on the offices of the Federación Nacional Sindical de Trabajadores Salvadoreños (National Trade Union Federation of Salvadorian Workers - FENASTRAS) and the subsequent all-out offensive launched by FMLN. Despite the desire for peace expressed by the vast majority of the Salvadorian people, the year began without a dialogue between the parties to the conflict.

6. On 31 January 1990, President Cristiani met with the Secretary-General of the United Nations in New York. 1/ During that meeting, President Cristiani asked the Secretary-General to use his good offices to persuade FMLN to agree to the initiation of talks with the Government under the terms of the agreement on "Procedures for the establishment of a firm and lasting peace in Central America", signed by the Central American Presidents at the Esquipulas II summit meeting. The Secretary-General agreed. 2/ Subsequently, the United States Secretary of State, James Baker, and the Soviet Minister for Foreign Affairs, Eduard Shevardnadze, issued a joint statement on 10 February 1990 in Moscow, expressing the firm support of both States for a peaceful settlement of the conflict in El Salvador and their backing for the Secretary-General's efforts to secure a permanent cease-fire and the resumption of negotiations between the Government and the guerrilla forces. 3/

7. On 13 March 1990, FMLN declared a partial suspension of its attacks on government officials and employees with no ties to the army or to paramilitary groups, and of its sabotage operations against public transport vehicles, commercial establishments and telephone lines, as a gesture aimed at the resumption of peace negotiations. 4/ In return, FMLN requested that the Government ensure that the armed forces cease all attacks on the civilian population.

8. On 21 March 1990, the Minister of Information announced that the Government was prepared to resume the dialogue with the guerrilla forces immediately, without pre-conditions. 5/ At the end of that month, the President of Venezuela, Carlos Andrés Pérez, met separately with senior government officials, leaders of FMLN and leaders of Convergencia Democrática (Democratic Convergence) at Caracas, to review the possibilities of setting the dialogue process in motion. 6/

9. Accordingly, on 4 April 1990, the Secretary-General of the United Nations met at Geneva with a government delegation headed by the Minister of Justice, Oscar Santamaría, and comprising three ambassadors accredited to European countries, and an FMLN delegation comprising Commanders Shafik Handal, Ana Guadalupe Martínez and Roberto Cañas. That same day, the Representative of the Secretary-General reached agreement with the head of the government delegation and the head of the FMLN delegation, Shafik Handal, on the immediate initiation of a period of preparation and reflection, and of consultations with the Representative of the Secretary-General, with a view to laying the bases for the holding of direct talks. The Secretary-General had intervened at the request of the Central American Presidents and within the framework of the mission of good offices entrusted to him by the Security Council in its resolution 637 (1989). The Secretary-General agreed to perform this task at the request of the Government and FMLN, in return for assurances by the parties that they would come to the negotiating table in good faith and with the genuine intention of achieving peace.

10. The format, mechanics, pace and agenda of the negotiating process were worked out at a meeting held between the two parties and the Representative of the Secretary-General at Caracas on 21 May 1990.

11. The second round of negotiations under the United Nations auspices was held from 19 to 25 June 1990 at Oaxtepec, Mexico, according to the procedures established by the Geneva Agreement of 4 April. According to a communiqué issued

by the United Nations the parties discussed in detail and in depth topics relating to the first two items on the agenda, namely, the armed forces and human rights. The Government apparently proposed restructuring of the army, while FMLN proposed that the army be purged and its troop strength reduced, and that it be placed entirely under civilian control. 7/ FMLN reportedly also insisted that paramilitary groups, civil defence forces and the so-called "death squads" be disbanded, that a single police force be established under civilian control and that penalties be imposed against military personnel implicated in human rights violations, especially in the most important cases, such as the assassination of Archbishop Romero, the murders of the Jesuit priests at the Central American University or the attack on the offices of FENASTRAS, as well as in cases of corruption. 8/

12. According to an Associated Press dispatch of 26 June 1990, both parties agreed that a commission should be set up to verify the situation of human rights in El Salvador, with one basic difference, however: the Government wanted a governmental organization supervised and advised by the United Nations; FMLN wanted a United Nations commission. The difference was resolved during the third round of negotiations, held at San José, Costa Rica, from 20 to 26 July 1990, when the first substantive agreement between the parties was adopted: the Agreement on Human Rights, which will be analysed in chapter VI of the report.

13. The fourth round of negotiations took place at San José, Costa Rica, from 17 to 22 August 1990 and apparently dealt with the first item on the agenda worked out at Caracas on 21 May: the armed forces. Owing to the complexity of the issues included under this item, it was apparently impossible to reach any agreement other than one to meet again in order to concentrate on discussing the item.

14. Lastly, the fifth round of negotiations took place at San José, Costa Rica, and ended on 18 September 1990. The subject of the army was again discussed, but no substantial agreement could be reached.

15. However, it should be noted that on 19 September 1990, an electoral agreement was signed in El Salvador between all the political parties, including the three left-wing parties. While this agreement was worked out by an inter-party commission appointed for the purpose, its signing was made possible largely by the ongoing negotiating process and the consent of the two parties to the conflict.

16. During his stay in El Salvador, the Special Representative received further proof of the deep-seated desire of the Salvadorian people to see the dialogue lead once and for all to an early, negotiated settlement of the conflict. This is a sensible desire which the Special Representative shares fully, for he is convinced that the cessation of the conflict between the armed forces and FMLN is an indispensable requirement for ensuring respect for human rights. An early, favourable outcome to the current negotiations is of primary importance for the elimination of human rights violations in El Salvador.

17. In another area, the Special Representative notes that on 1 April 1990, the Legislative Assembly chose not to renew the state of siege which it had proclaimed on the occasion of the FMLN all-out offensive in November 1989. 9/

18. Among the changes in high-ranking officials which have taken place in El Salvador in recent months, it should be recalled that in early June 1990, the Legislative Assembly appointed Mr. Roberto Mendoza as Attorney-General of the Republic, 10/ and that on 1 September, Colonel René Emilio Ponce, who until then had occupied the post of Armed Forces Chief of Staff, was appointed Minister of Defence. 11/

III. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

19. According to reports received by the Special Representative from various sources on the country's economic situation, which for reasons of space will not be reproduced in detail, the factors which have resulted in an increasingly alarming deterioration in the living conditions of the vast majority of Salvadorian citizens persisted throughout the months that have elapsed in 1990. One major factor was the continuation of the armed conflict. According to authoritative independent sources, consumer prices increased by 25 per cent in the past year, without a corresponding rise in wage levels.

20. The Special Representative continued to receive many reports from various sources concerning harassment of trade unions and co-operatives. Such harassment allegedly included, on some occasions, arrests for longer periods than permitted under the Constitution, mistreatment, and even summary executions and disappearances. These matters will be discussed in the appropriate section of this report.

21. Twenty-one members of the Confederación de la Reforma Agraria Salvadoreña (Salvadorian Agrarian Reform Confederation - CONFRAS) were allegedly detained by the authorities on charges of environmental destruction. It was also reported that a leader of the so-called Alianza Democrática Campesina (Peasant Democratic Alliance) disappeared on 27 March. 12/

22. The Special Representative received reports that in late April 1990, the armed forces harassed many families in resettled villages in the north and east of the country so that they would leave their land again. 13/ In meetings held in El Salvador with various organizations from those villages, the Special Representative again heard complaints of constant government harassment, particularly with respect to the villagers' lack of papers which prevents them from travelling and registering to vote, and of action by the armed forces to prevent them from receiving food and health care. The Special Representative referred the complaints to the competent authorities of the Ministry of the Interior, and was told that the villagers had no papers because, in the areas in question, FMLN had burned down the town halls, destroying registers of births, deaths and marriages. Those authorities also told him that the Government was initiating steps to provide such people with the necessary papers, either by applying the law or by preparing amendments to it as needed. Ministry of the Interior officials also said that on 15 May 1990, FMLN stole food that was being sent to resettled villages by the Comisión Nacional de Asistencia a la Población Desplazada (National Commission to Assist the Displaced Population - CONADES), a government organization, kidnapping 26 relief workers, who were later released. Lastly, the Special Representative was informed that the Government had established a returnee assistance office.

23. The Special Representative continued to receive information about harassment of religious organizations and workers by the authorities. The auxiliary Bishop of San Salvador complained about such harassment in his sermon on 28 January 1990. 14/ The Special Representative also received reports of other harassment of priests, monks and nuns. On 20 May, the auxiliary Bishop of San Salvador reported the abduction of an Italian priest and a lay worker by paramilitary forces; both were released the day after their capture, after having been interrogated. 15/ It was also reported that on 2 June, unknown assailants raided the premises of a women's religious community. 16/ Lastly, the Lutheran Church complained that its premises had been raided by the armed forces, its Bishop threatened and its members arrested. 17/

24. With respect to trade union activity, the armed forces of El Salvador 18/ maintain that since January 1990 there has been an intensification of such activity and that it is politically motivated, since unions are demanding social benefits or wage increases that the Government and the private sector are unable to grant. The alleged intention is political destabilization to help FMLN. Whatever the reason, the Special Representative wishes to recall that government action must be in keeping with the Constitution and the law and must scrupulously respect human rights.

25. On the night of 3 July, the premises of the Movimiento Popular Social Cristiano (Popular Social Christian Movement) one of the parties of the left-wing coalition Democratic Convergence, were allegedly attacked by an armed group in civilian clothing. 19/

26. On 21 April 1990, El Salvador University lecturer Randrejo Tejeda died of injuries sustained when a bomb planted in his car exploded. The University spokesman said that the attack formed part of the campaign of psychological warfare unleashed against the University by the military and the extreme right wing. 20/

27. With respect to the agrarian reform process, the Special Representative received reports that in May 1990, spokesmen for the Unión Campesina Salvadoreña (Salvadorian Peasant Union) reported an eviction threat against 23 families at a co-operative in Ahuachapán. It should, in any case, be mentioned that the eviction had been ordered by the police. 21/ The Special Representative learned that the eviction eventually took place in August. 22/ In San Salvador, representatives of peasant organizations told the Special Representative that the authorities were trying to obstruct the agrarian reform by carrying out evictions, parcelling out land and denying credit to the less compliant organizations. According to the documentation submitted to the Special Representative by Financiera Nacional de Tierras Agricolas (FINATA), however, between June 1989 and September 1990 16,113 title deeds were awarded under Decree 207. The same documentation none the less acknowledges that evictions occurred between the dates mentioned; for reasons that had nothing to do with FINATA: the former owner's refusal to comply with the law, intense fighting in certain specific areas, threats by former owners against peasants, transfer to third parties and others. FINATA claimed to be taking action to prevent evictions.

28. In the reports that he has been submitting since 1981, the Special Representative has described the persistent, systematic attacks by FMLN guerrilla organizations against the country's economic infrastructure, attacks which, he understands, have seriously undermined the present and future enjoyment of important economic, social and cultural rights by Salvadorian citizens. In the months that have elapsed in 1990, it should be recalled that on 13 March, FMLN decreed a partial suspension of certain measures, including acts of sabotage against public transport vehicles, commercial establishments and telephone lines. As far as the Special Representative knows, since then, there have been no guerrilla attacks on public transport (the so-called traffic stoppages) or on commercial establishments. Some allegations to the contrary have not been substantiated.

29. The FMLN organizations have, however, persisted in their sabotage of the country's electrical infrastructure. According to the local press, 23/ FMLN commandos blew up an electricity pole on 2 July in Calle San Antonio Abad in the capital city, while the Comisión Ejecutiva Hidroeléctrica del Río Lempa, reported an FMLN attack on a substation near the city of San Miguel, which caused damage amounting to 9,500,000 colones. The explosion of a device on an electric pylon at Colonia Ferrocarril in the capital city killed one person and wounded several others. 24/ On the night of 30 July, FMLN destroyed eight electric pylons, reducing energy reception in the country by roughly 30 per cent. 25/ Lastly, on 13 and 14 August, FMLN carried out a major act of sabotage against the country's electric power system, destroying numerous pylons and causing a 45-per-cent electric power deficit. 26/

IV. CIVIL AND POLITICAL RIGHTS

A. Summary executions

30. Throughout the months that have elapsed in 1990, the Special Representative continued to receive information from many sources on politically motivated summary executions, equivalent to murders, of non-combatants. As in previous reports, he wishes to draw attention to the difficulty of determining the exact number of such crimes, since they are not easy to investigate and figures differ according to the source. He therefore advises extreme caution and circumspection in interpreting them.

31. The figures reproduced below, with comparative tables for 1989, are those supplied by the Archdiocesan Legal Protection Office 27/ and the Salvadorian Human Rights Commission (governmental) for summary executions attributed to members of the army, security forces and civil defence:

Politically motivated summary executions of non-combatants attributed to members of the army, security forces and civil defence

	Source: Legal Protection		Source: Human Rights Commission (governmental)	
	1989	1990	1989	1990
January	7	1	8	6
February	13	7	6	2
March	17	6	24	7
April	2	4	5	2
May	0	7	4	4
June	1	9	6	7
July	5	8	8	10
August	6	0+	7	4
September	1			

32. With respect to these summary executions, the Special Representative also received information about specific incidents which are no doubt included in the figures given above. Some of these incidents are detailed below, on the clear understanding that the report is selective and not exhaustive.

33. On 2 February 1990, soldiers of the Atlacatl battalion arrested Julián Rosales López, 42 years old, a carpenter by trade, in the village of San José Cortez in San Salvador Department. On 8 February, his family reported that Mr. López had died in prison. They also reported that, according to the autopsy, death was caused by intense torture. 28/

34. On 6 February, members of the Treasury Police allegedly arrested, tortured and killed three women from the resettled village of Santa Marta. 29/

35. On 20 March, the Auxiliary Bishop of San Salvador reported the rape of an 18-year-old girl and the murder of her father by members of a civil defence unit. The incident occurred at Colonia Florencia, Cuscatancingo. 30/

36. On 20 March 1990, a trade unionist was murdered by persons wearing plain clothes who identified themselves as members of the armed forces. 31/

37. On 22 June 1990 on the Pasarena estate, San Salvador Department, members of the armed forces killed two peasants, one of them a member of the Corporación de Comunidades de Cooperación y Seguridad (Corporation of Communities for Co-operation and Security - CORDECOM). According to the information source, 32/ the army explained that the two men were subversives killed in combat.

/...

38. A witness told the Special Representative that on 23 July 1990, uniformed soldiers shot to death his mentally retarded son, aged 22 years. The incident took place in Apopa district, San Salvador Department.

39. Another witness questioned by the Special Representative said that on 10 September 1990, members of the army captured his son, aged 16 years, who was an FMLN combatant; his son's corpse, bearing clear signs of torture, was found the following day.

40. Another witness told the Special Representative that on 13 September 1990, a member of his family was fired at by members of the civil defence when he was about to enter his house; he died the following day from his wounds.

41. Although it is not a case of summary execution, the Special Representative wishes to report that, according to the statement of a witness, on 8 July 1990 three members of the army entered her house where, after beating and tying up her husband, they repeatedly raped her in the presence of her nine-year-old daughter; the soldiers threatened to kill the witness if she reported the incident.

42. The Special Representative continued to receive a great deal of information about politically motivated summary executions attributable to the so-called "death squads". According to information sources, these squads have ties to, or are tolerated or protected by members of the armed forces and security forces. In theory, this allegation seems plausible, although the Special Representative must point out that the circumstances in which the death squads operate do not exactly make it easy to investigate the incidents attributed to them. It certainly cannot be ruled out that their activities provide a cover for ordinary offences. In any event, Legal Protection attributes the following summary executions in the first nine months of 1990 to the "death squads". For the purposes of comparison, the corresponding figures for the same months of 1989 are also given.

Politically motivated summary executions attributable to the so-called "death squads"

(Source: Legal Protection)

	1989	1990
January	2	9
February	4	4
March	3	8
April	2	8
May	4	3
June	0	5
July	0	8
August	2	1+
September	2	

43. With regard to summary executions attributed to members of the civil defence, the Special Representative wishes to reiterate the concern which the Salvadorian Human Rights Commission (governmental) expressed in July 1990 to the Armed Forces General Staff. The Commission said: "With truly alarming frequency, members of civil defence units in various parts of the country have been involved in serious acts of murder, robbery, assault, rape and abuse of authority, keeping the population in a permanent state of fear and insecurity. In view of this situation the Commission ... considers it a matter of urgency to bring to the notice of the said authorities this concern which has already become a general outcry." 33/ The Armed Forces General Staff admitted to the Special Representative that elements of the civil defence commit abuses, to which it intends to put an end.

44. Some members of trade union and peasant movements showed the Special Representative, with considerable concern, duplicated lists indicating their names and their alleged ties to FMLN. These lists had been widely distributed and, according to the individuals in question, formed part of a campaign of psychological warfare designed to intimidate and terrify them. The lists were viewed as death threats and as serious violations of human rights.

45. Bearing in mind the need for circumspection referred to earlier and taking into account all the information to which the Special Representative has had access, it must be concluded that the practice of summary executions by elements of the State apparatus, in particular members of the armed forces persisted in the first nine months of 1990, although it is necessary to add the important point that the number of this kind of violation of human rights was lower than in 1989. This conclusion is also borne out by thoroughly reliable independent sources. The Special Representative notes in any event the existence of an atmosphere of intimidation among specific sectors of the population - members of trade union and peasant movements - who claim to be exposed to the worst reprisals.

46. The Special Representative also received a great deal of information about summary executions attributable to guerrilla organizations. According to Legal Protection and the Salvadorian Human Rights Commission (governmental), the figures are as follows:

Summary executions attributable to guerrilla organizations

	Source: Legal Protection		Source: Human Rights Commission (governmental)	
	1989	1990	1989	1990
January	8	0	33	13
February	3	1	18	2
March	2	0	21	7
April	4	2	28	5
May	4	3	36	6
June	5	2	21	4
July	1	4	10	6
August	3	0+	6	6
September	0		-	-

47. The Special Representative also received specific information about summary executions, equivalent to murders, attributed to guerrilla organizations. This information is summarized in the following paragraphs on a selective and non-exhaustive basis.

48. According to the local Salvadorian press, 34/ on a day in May 1990 members of FMLN brutally tortured and later murdered a former soldier, José Angel Sánchez, near the town of Ilobasco.

49. According to a communiqué of the Armed Forces General Staff, on 13 May 1990, members of FMLN murdered in Ilobasco district, Palacios Canton, a young man, José Angel Lemus Sánchez, who had just completed his military service in the armed forces. 35/

50. According to witnesses heard by the Special Representative, members of FMLN kidnapped and murdered as an alleged armed forces informer a peasant, José Villacorta Ramos, in the village of Tomacatepeque, San Salvador Department. The incident occurred on 30 May 1990.

51. According to witnesses heard by the Special Representative in San Salvador, on 7 June 1990 members of FMLN murdered two brothers, Pedro Enrique Medina Alvarado and Sebas Raúl Medina Alvarado, in a canton of Santa Ana Department.

52. The local press 36/ also reproduced information from the armed forces according to which a woman, Marta Flores Beltrán, and a minor, María Elena Romero, were shot to death by an FMLN commando in Mejicanos Canton, north of San Salvador, on a day in June.

53. The Salvadorian Human Rights Commission (governmental) reported to the Special Representative the murder on 9 July 1990 of Major Carlos Figueroa Morales, chief of the Legal Department of the Armed Forces General Staff. The FMLN commando "Modesto Ramírez" claimed responsibility for the murder.

54. On 17 July 1990, FMLN commandos murdered armed forces captain Ramón Aristides Reyes as he was driving his car through Santa Tecla village. Responsibility was claimed by the commandos that same day. 37/

55. Some days later, on 23 July 1990, the judge of La Unión Department, Adalberto Rubio, was murdered by FMLN elements as he prepared to alight from an inter-city bus. The victim also happened to be the father of two armed forces officers. 38/

56. According to the local press, 39/ Victor Manuel Rojas Martínez, a member of the Los Llanos de Renderos civil defence unit in Chaltepec in Santo Tomás Canton, was murdered on 30 July 1989. His neighbours had the impression that the murder was committed by members of FMLN.

57. Another San Salvador newspaper 40/ reported the murder on 30 July 1990 of a peasant, Máximo Irahela, a resident of Cuyantepeque Canton, Cabañas Department. Eyewitnesses attributed the murder to members of FMLN.

58. The Ministry of Foreign Affairs of El Salvador 41/ reported two attacks, on the night of 27 June 1990, on the President of the Legislative Assembly, Ricardo Alvarenga, from which he emerged unharmed. The attacks were attributed to FMLN commandos, although an opposition politician 42/ disputed the allegation.

59. The conclusion drawn by the Special Representative from the information reproduced in the foregoing paragraphs is that FMLN organizations also persisted in the practice of summary executions in the early part of 1990, although the number of such executions was lower than in 1989, and that no summary executions have occurred since the signing of the San José agreement.

60. The Special Representative also received reports of some urban operations by members of FMLN which affected the civilian population. According to government information, 43/ an FMLN commando set off a car-bomb in the city of Santa Tecla on 2 April 1990. The explosion killed an armed forces officer and five civilians. Government sources 44/ also reported that on 12 July 1990, members of FMLN threw an explosive device at a military truck on an avenue in the capital city and that a woman passer-by was injured by the fragments. That same day, at the end of 75 Avenue North in San Salvador, members of FMLN set off a device which destroyed a lamp post and injured a young woman. The same report states that on the previous day, a device placed in another location in the capital city in order to damage the electricity supply system killed a female civilian.

B. Arrests, abductions and disappearances

61. Non-governmental organizations in San Salvador told the Special Representative that there had been numerous political arrests during the first nine months of 1990. Furthermore, various witnesses declared that they had been arrested themselves, although in most cases they had been released within 72 hours. Such arrests were undoubtedly occurring, but the Special Representative reaffirms his view that the Salvadorian authorities have the right to arrest people who commit violence against the constitutional order, as long as the arrest and subsequent legal proceedings are in keeping with constitutional standards and with the international human rights obligations assumed by the Republic of El Salvador.

62. Legal Protection provides the following statistics:

Arrests attributable to the army, security forces and civil defence

	Total persons arrested and not released		Persons arrested and currently in detention		Persons arrested who subsequently disappeared	
	1989	1990	1989	1990	1989	1990
January	21	68	12	50	9	18
February	48	65	31	54	17	11
March	28	38	25	29	3	9
April	64	38	55	23	9	15
May	28	34	24	18	4	16
June	29	34	25	30	4	4
July	66	34	61	28	5	6
August	50	1+	33	0+	17	1+
September	49		39		10	

63. With regard to forced or involuntary disappearances, the Archdiocesan Legal Protection Office provides the following figures for the first nine months of 1990, together with the corresponding figures for 1989:

Forced or involuntary disappearances

(Source: Legal Protection)

	Total disappearances		Disappearances following arrest by the army, security forces or civil defence		Disappearances following abduction by guerrilla organizations		Disappearances where the circumstances or culprits are unknown	
	1989	1990	1989	1990	1989	1990	1989	1990
January	26	31	9	18	8	3	9	10
February	26	19	17	11	4	0	5	8
March	12	20	3	9	4	0	5	11
April	27	21	9	15	8	0	10	6
May	5	27	4	16	0	1	1	10
June	10	14	4	4	0	2	6	8
July	12	14	5	6	2	1	5	7
August	28	1+	17	1+	3	0+	8	0+
September	19		10		3		6	

64. The Special Representative wishes to draw particular attention to a very serious case of disappearance which occurred at the end of last year but which has not been resolved to this day. According to testimony given in El Salvador to the Special Representative, on 29 December 1989 four peasants from the San Cayetano co-operative were arrested by members of the armed forces and civil defence. Since then, nothing has been heard of their whereabouts and their families assume that they have disappeared permanently. 45/ Other members of the San Cayetano co-operative have been arrested in the past by government forces, and during the first months of 1990 members of the army continued to harass the co-operative.

65. People have also been abducted by guerrilla organizations. The following figures are provided by Legal Protection and the Salvadorian Human Rights Commission (governmental):

Persons abducted or forcibly recruited by guerrilla organizations

	Source: Legal Protection						Source: Human Rights Commission (governmental)	
	Total (Legal Protection)		Forcible Abductions by guerrilla organizations		recruitment by guerrilla organizations		Civilians abducted by FMLN	
	1989	1990	1989	1990	1989	1990	1989	1990
January	8	3	8	3	0	0	85	31
February	4	0	4	0	0	0	20	5
March	4	0	4	0	0	0	30	8
April	8	0	8	0	0	0	43	25
May	0	1	0	1	0	0	20	3
June	0	2	0	2	0	0	9	10
July	2	7	2	1	0	6	2	1
August	3	0+	3	0+	0	0+	14	1
September	3		3		0		-	-

66. With regard to alleged forced recruitment by FMLN, the Special Representative wishes to mention a report in the local press 46/ that members of the guerrilla organization abducted around 15 pupils, including some girls, from a country school in the village of San Luis de la Reina, San Miguel Department, apparently to make them join FMLN. The Special Representative also received information on other cases of forced recruitment of young people. A representative of FMLN emphatically denied such reports, stating that it had been the strictly observed policy of the organization for some years not to undertake this form of recruitment.

67. The Special Representative wishes to draw attention also to an abduction which occurred on 29 November 1989 but whose effects have continued throughout the present year. On that date, an FMLN commando abducted five journalists from Colonia Escalón in the centre of San Salvador, namely, José Antonio Ceballos Martínez, José Alfredo Melgar, Aníbal Jesus Edilberto Quijada López, Oscar Herrera and Aníbal Dubón Mejía. The Special Representative heard testimony in San Salvador from the journalists' families, who said they had no news of their whereabouts despite having made numerous approaches to FMLN through humanitarian organizations.

C. Treatment of political prisoners

68. In interviews held in El Salvador, members of various organizations, as well as political prisoners themselves, complained to the Special Representative that in late August 1990 some of the prisoners had been taken during the night from the Mariona prison and transferred to other prisons throughout the country, where they were incarcerated with common criminals. The Special Representative is of the opinion that the transfer in itself does not constitute a violation of human rights. However, the political prisoners alleged that their noctural transfer was carried out amid serious threats, brutality and violence, allegations which the corresponding officials denied to the Special Representative. The prisoners also said that being incarcerated with common criminals was a constant source of danger.

69. The Special Representative was able to make a visit to the Santa Ana prison, where around 80 political prisoners were being held, most of them on charges of collaboration with FMLN. A small number of prisoners were former members of the armed forces and security forces, accused of or indicted for politically motivated crimes. The Special Representative was able to confirm that the political prisoners were being held with common criminals in conditions of very severe overcrowding.

70. Most of the non-governmental organizations which met with the Special Representative in El Salvador reported on widespread torture and mistreatment of political prisoners during their extrajudicial interrogation. At the Santa Ana prison, the political prisoners supplied the Special Representative with numerous signed testimonies alleging such practices.

71. During his visit to the country, the Special Representative questioned a fairly broad sample of former or current political prisoners. Prisoners belonging to organizations all made roughly the same complaints as last year: long periods of interrogation while blindfold and without being able to sit down or relieve themselves, extensive beatings, the occasional use of a hood which impedes breathing and causes fainting, immersion of the head in tanks of water, electric shocks, and threats to themselves or their families. Witnesses who did not belong to organizations complained only of intense interrogation while blindfold.

72. The Special Representative has to admit that, owing to the number and nature of the witnesses he was able to question, he cannot establish precisely what percentage were subjected to torture or cruel, inhuman or degrading treatment. The practice clearly exists, but in his opinion is not an institutionalized policy; whether or not a detainee is tortured depends on a number of contingent factors, such as the value of the information he may give, the military situation of the conflict, the identity of his captors, etc.

73. According to government information, 47/ members of FMLN severely tortured a member of the armed forces, José Santos Monterrosa, on 7 May 1990 in the village of Jujutla, near Ahuachapan. The soldier was picked up while still alive and taken to a first-aid station.

D. Criminal justice

74. In the reports he has been submitting annually since 1981, the Special Representative has repeatedly voiced his concern at the unsatisfactory functioning of the Salvadorian criminal justice system as a whole, although he has acknowledged the difficulties that exist in this respect and the commendable independence of some judicial bodies. Their independence is not enough, however, to bring the overall situation of the criminal justice system up to the standards set forth in the current Constitution and in the international human rights instruments binding on the Republic of El Salvador.

75. In 1990, however, there were some interesting convictions handed down by the Salvadorian courts. In May 1990, a sergeant in the armed forces was convicted of killing a United States citizen, M. D. Kline, in October 1982. 48/ Another conviction was that handed down on 8 March 1990 by the Seventh Criminal Court against 26 members of a paramilitary group for the so-called "San Agustín massacre", committed on 4 March 1982, in which 10 children and 13 adults died. 49/ The Special Representative notes furthermore that at the Santa Ana prison he talked to political prisoners who had been members of the armed forces or the security forces: a former army officer on trial for a kidnapping offence; a former member of the National Guard convicted of homicide; a former army sergeant on trial for homicide; and a former army officer convicted in May 1988 of human rights violations. The report submitted by the Supreme Court 50/ also refers to over 70 cases of proceedings brought against members of the armed forces and security forces. The alleged impunity of members of the army and the security forces is not, therefore, absolute.

76. While taking due note of the importance of the information given in the preceding paragraph, even though considerable time elapsed between the date of the offences and the date of the convictions, the Special Representative nevertheless feels bound to note the lack of progress in proceedings brought in many other cases of serious human rights violations. There has been no significant progress in the proceedings brought in connection with the assassination of Monsignor Romero in March 1980. 51/ In the trial for the murder of Herbert Amayo, committed on 26 October 1987, the senior criminal judge of San Salvador ordered a stay of proceedings against Jorge Alberto Miranda Arévalo, in custody since 23 December 1987. 52/ Mr. Miranda is still being held on a charge of acts of terrorism. 53/ The Attorney-General of the Republic informed the Special Representative that his office had appealed against the stay of proceedings.

77. The Attorney-General informed the Special Representative that an army major is involved in the proceedings brought for the mass execution of peasants at San Sebastián on 21 September 1988. The accused is to appear in court shortly but a stay of proceedings was ordered for the other individuals awaiting trial with him. Although the Attorney-General appealed against this stay of proceedings, it was upheld by the higher court.

78. The Special Representative also learned that the proceedings brought in connection with the mass killing of members of FENESTRAS in late October 1989, have come to a virtual standstill at the investigation stage.

79. In his most recent report to the Commission on Human Right, 54/ the Special Representative stated that the military personnel accused of the murder of Father Ignacio Ellacuría and others had been placed at the disposal of the Fourth Criminal Court of San Salvador, and said he trusted that the judicial proceedings would follow their normal course until a just and exemplary sentence was handed down. However, subsequent information on the progress of the trial does not indicate that any such result has been achieved as yet. Indeed, according to press reports, 55/ the book in which a record is kept of persons entering or leaving the Military College of El Salvador, regarded as important documentary evidence, was burnt, a circumstance acknowledged by the officer in charge of the record book. The lawyer defending this officer apparently explained that the document was of no importance and that its destruction was a routine matter. The College archivist however declared that record books were not routinely destroyed. During his stay in El Salvador, the Special Representative did not have time to make an exhaustive study of the proceedings brought for the murder of Father Ellacuría and others. He wishes to draw attention, however, to three very thorough and detailed reports on the case. The first is the interim report of the Special Task Force on El Salvador of the Speaker of the United States House of Representatives, the so-called "Moakley Report", of 30 April 1990, which voices serious and justified misgivings that military personnel senior to those currently on trial were involved in the crime. The second report is that of 27 July 1990 by the Lawyers Committee for Human Rights on the investigation into the murders of the Jesuits in El Salvador, which indirectly voices the same misgivings as the Moakley Report and also refers convincingly to the destruction of important evidence (burning of the Military College record book) and other serious obstructions to the proceedings which cannot in any way be attributed to the examining magistrate. The third report, dated 2 October 1990, again from the Lawyers Committee, contains an updated analysis of the proceedings and confirms the lack of co-operation by the armed forces. This being the case, and noting that the examining magistrate is acting with all due diligence and professionalism, the Special Representative cannot but express concern at the lack of progress in proceedings which, as he said in his latest report to the Commission on Human Rights, 56/ are a test case for the credibility of efforts to bring about judicial reform in the country.

80. In his latest report to the Commission on Human Rights, 57/ the Special Representative referred to the death of two television technicians as a result of army fire on the day of the presidential elections. He has not heard that the soldier accused of one of these deaths has been cleared by an army tribunal. 58/

81. On 8 May 1990, the Eighth Criminal Court upheld the dismissal of proceedings against certain military personnel and civilians in cases of kidnapping. Proceedings are continuing, however, against other military personnel and civilians. 59/

82. The conclusion reached by the Special Representative after weighing the information reproduced in the preceding paragraphs is that, although the alleged impunity of members of the armed forces is not absolute, on the whole the Salvadorian criminal justice system continues to function very unsatisfactorily, not only because of the absence of proper progress in the most important cases but also because he has not heard of any sentences being handed down in many other

cases of serious human rights violations recorded in the reports he has been submitting since 1981. An important clarification is necessary in this respect, however: shortcomings and deficiencies are much more prevalent in the investigation of facts that in the actual judicial activity of magistrates and courts, who have to pass sentence on the basis of facts established in an investigation that is notoriously inadequate. Moreover, investigations are not carried out by the judiciary but by the "Criminal Investigation Commission", which answers to the executive branch. In this situation, the Special Representative cannot but echo the wishes of the Supreme Court of El Salvador that the investigation of offences should be brought under the responsibility of the judiciary, through the establishment of a judicial police force.

V. RESPECT FOR INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT

83. Legal Protection, 60/ gives the following figures for persons killed by the army in military actions, it being impossible to determine the number of civilians and the number of guerrilla fighters:

Persons killed by the army in military actions, it being impossible to determine the number of civilians and the number of guerrilla fighters

(Source: Legal Protection)

	1989	1990
January	82	134
February	87	84
March	76	75
April	129	37
May	157	54
June	76	69
July	83	50
August	78	15+
September	52	

84. The same source holds the army responsible for the following civilian deaths as a result of contact with explosive devices:

Civilian deaths as a result of contact with explosive devices planted by the army

(Source: Legal Protection)

	1989	1990
January	2	0
February	0	0
March	0	0
April	0	0
May	0	0
June	3	0
July	0	0
August	1	0
September	0	0+

85. The Special Representative received specific reports from various sources of attacks by the Salvadorian armed forces which resulted in civilian casualties and damage to civilian property. On 11 February 1990, the air force allegedly bombed and machine-gunned the resettled village of Corral de Piedra in Chalatenango, killing five civilians and wounding another 16. 61/ In San Salvador, the Special Representative heard testimony from relatives of the victims, who had witnessed the incident and confirmed the earlier account. When these allegations were reported to the Armed Forces General Staff, the Special Representative was told that FMLN had been responsible for involving the village in the fighting and that the Armed Forces High Command had acknowledged the mistake and offered compensation. Between 3 and 11 April, the armed forces allegedly destroyed the parish church and the homes of peasants in several villages in Chalatenango. 62/ On 16 May, the army is said to have fired mortar shells at the resettled village of Santa Maria in Cabañas Department, wounding two young people and destroying homes. 63/ On 25 May, the armed forces occupied a number of resettled villages in Chalatenango Department, destroying crops and livestock but causing no civilian casualties. 64/ On 8, 9 and 11 June, military operations took place in other resettled villages, in the course of which the army arrested various people. 65/ On 28 July, the armed forces attacked the "Ignacio Ellacuría" community but caused no civilian casualties. 66/ A subsequent communiqué of the Committee in Solidarity with the People of El Salvador 67/ describes other attacks by the armed forces on various villages in the Departments of Chalatenango, Usulutan, Morazán, Cuscatla and Cabañas. In some of these attacks, crops were burnt and other damage done. In the 25 July attack on the village of Tocotique in Morazán Department, two civilians are said to have been killed by army fire. According to other reports, 68/ two children died in the village of Los Prados in Chalatenango Department when the armed forces threw grenades at a house. Eyewitnesses confirmed these facts to the Special Representative.

86. On the basis of the information given above and the questioning of some witnesses, the Special Representative concludes that the situation of the civilian population living in combat areas continues to be very difficult and distressing. The Special Representative also believes that, in the course of fighting with FMLN, the armed forces occasionally kill and injure civilians, although not on any widespread or indiscriminate basis but through negligence. It is difficult to determine exactly how many such deaths have occurred, but the number is definitely lower than last year and lower than that of summary executions outside combat. This conclusion is also borne out by completely trustworthy independent sources. The armed forces also cause damage to public and private property, and to crops, although after bitter fighting it can be difficult to determine which side, the army or FMLN, caused the damage.

87. On 10 September 1990, a young Spanish doctor, Begoña García Arandigoyen, who was apparently providing medical care to FMLN combatants, was killed by army fire at the village of La Montañita in Santa Ana. The guerrilla organization maintains that she was captured alive and executed moments later. The army, on the other hand, alleges that the Spanish woman died in the course of long-range fighting. 69/ The Special Representative had the opportunity to examine the report of the autopsy performed in Spain 70/ which reveals that Begoña García was shot several times: once in the right cheek below the temple, once in the back of the neck, apparently from very close range, and also in the lower neck, the upper arms and the left thigh. The Armed Forces General Staff assured the Special Representative that the Spanish woman was a combatant because a paraffin test on her hands indicated that she had used weapons, but even so the Special Representative believes that the nature of the gunshot wound in the back of her neck could indicate that she was killed after being captured. In San Salvador, the General Staff showed the Special Representative some writings found in the young woman's clothing, which revealed in beautiful and heart-rending terms a profound disenchantment with her assignment to FMLN and a passionate longing to return home. In any event, the Special Representative cannot but express his concern at this death and recall the obligations imposed by international humanitarian law to respect the life and physical integrity of captured medical personnel and combatants.

88. With regard to civilian casualties of guerrilla military actions, the Archdiocesan Legal Protection Office and the Salvadorian Human Rights Commission (governmental) give the following figures for deaths caused by contact with explosive devices planted by the guerrillas:

Civilian deaths caused by contact with explosive devices planted by the guerrillas

	Source: Legal Protection		Source: Human Rights Commission (governmental)	
	1989	1990	1989	1990
January	2	0	9	6
February	4	0	5	1
March	0	0	11	2
April	1	0	14	2
May	17	1	22	7
June	0	1	5	3
July	0	1	0	3
August	0	0+	0	3
September	0		0	

89. In addition, Legal Protection gives the following figures for civilian deaths caused by contact with explosive devices planted by persons unknown.

Civilian deaths caused by contact with explosive devices planted by persons unknown

(Source: Legal Protection)

	1989	1990
January	2	4
February	2	0
March	0	0
April	4	2
May	1	0
June	0	3
July	2	1
August	0	1+
September	1	

90. The Salvadorian Human Rights Commission (governmental) gives the following figures for civilians injured by contact with explosive devices planted by FMLN organizations:

January	14
February	17
March	22
April	16
May	11
June	25
July	11
August	22

91. Guerrilla fire has, on occasion, caused other civilian casualties. One civilian died in the FMLN attack on CETIPOL forces at Santa Tecla in April 1990. The guerrilla organization took responsibility for and expressed regret at the killing in a public communiqué issued on 4 April 1990. Again, according to a communiqué issued by the Salvadorian Human Rights Commission (governmental) on 23 August 1990, FMLN attacked a military vehicle that was transporting wounded personnel, killing two people and seriously wounding several others. According to local press reports, 71/ when FMLN forces attacked the Armed Forces Communications Centre, near the Presidential Palace, on 20 August, they caused the death of a small boy, Juan Antonio Pérez Sánchez, and wounded four civilians, in addition to damaging private property. In a press release issued on 21 August 1990, FMLN admitted to having injured four people, but not to having killed the boy, and conceded that there had been a serious error in the operation. It seems, in fact, that the child did not die. 72/

VI. EFFORTS TO STRENGTHEN RESPECT FOR HUMAN RIGHTS AND THEIR RESULTS

92. The Special Representative wishes to note firstly, that as part of the current negotiating process between the Government of El Salvador and FMLN, an "Agreement on Human Rights" was signed at San José, Costa Rica, on 26 July 1990. The preamble to the agreement, which is a political agreement, recalls that the legal system of El Salvador provides for the recognition of human rights and the duty of the State to respect and guarantee such rights; it also notes that the State has assumed international obligations with respect to human rights. It is interesting to note that the preamble indicates that FMLN has the capacity and the will and assumes the commitment to respect the inherent attributes of the human person. Under the agreement, the two Parties undertake to respect the most elementary rights of the individual. One very significant feature of the agreement is the establishment of an international verification procedure under the auspices of a United Nations Mission whose Director will be designated by the Secretary-General, and which will take up its duties as of the cessation of the armed conflict. The action of the

Mission does not preclude the application of other international procedures for the promotion of and respect for human rights. 73/ The Special Representative earnestly welcomes the signing of the agreement, in which he places the highest hopes.

93. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution of August 1990, recommended that the Special Representative should devote particular attention in his report to the General Assembly to ascertaining whether the commitments made by the Parties in the San José agreement referred to in the preceding paragraph have been honoured. As stated in the report submitted to the Special Representative by eight non-governmental organizations working in El Salvador, 74/ human rights violations have continued since the signing of the San José agreement, although they have been fewer in number. More specifically, with regard to murders, those sources point out that during the month preceding the signing of the agreement eight murders were attributed to the armed forces and one to FMLN, while there were none on either side in the following month. However, there were the same alarming numbers of murders by "persons unknown or civilians" and by "death squads". The number of disappearances attributed to the State reportedly decreased from six to three while the number of abductions by FMLN dropped from five to none. The reporting organizations were uncertain whether this decrease in the number of violations was purely coincidental or whether it reflected measures taken by the Parties to prevent violations.

94. With specific reference to the efforts by the constitutional authorities of El Salvador to improve the human rights situation, the Special Representative wishes to recall the activities of the Salvadorian Human Rights Commission (governmental), whose work he praised in earlier reports. Witnesses presented by non-governmental humanitarian organizations told the Special Representative that the governmental Commission had investigated their cases, and one witness claimed that he owed his freedom to the Commission's efforts. The Special Representative also wishes to note that in July 1990 the Armed Forces General Staff established an office to handle complaints of human rights violations. 75/ Moreover, pursuant to the San José agreement of July 1990, the Salvadorian armed forces have established various procedures governing arrest and the rights of detainees. The procedures provide that only in cases of flagrante delicto may an individual be arrested at any time without a warrant; otherwise, a person may be arrested only with the written authorization of the judicial authority and those carrying out the arrest must be wearing the required uniform and be able to supply proof of their status. Anyone arrested must be informed of the reasons for his arrest, have his rights explained to him and be permitted to communicate immediately with a defence lawyer. 76/

95. Furthermore, members of the armed forces and security forces continued to receive regular instruction on human rights and international humanitarian law applicable in armed conflict.

96. The Special Representative must mention here the highly commendable work being done by the International Committee of the Red Cross in El Salvador to protect the victims of the conflict. This work, permitted by both parties to the conflict,

involves a number of specific activities, such as visits to persons detained for reasons related to the conflict, the restoration of family ties, protection of the civilian population, relief assistance, medical care and dissemination of the principles of international humanitarian law.

97. In the judicial sphere, the Special Representative was informed by the Supreme Court of Justice of the establishment of a prison oversight department, eight mobile auxiliary courts, a prisoner information centre, the National Council of the Judiciary and an institute of forensic medicine. The Court also informed him that it planned to establish an investigative body answerable to the judiciary. The Special Representative sincerely hopes that all these measures will lead swiftly to the desired result: the prompt and effective administration of justice.

98. In addition, the Commission to amend Salvadorian Legislation (Comisión Revisora de la Legislación Salvadoreña - CORELESAL) continued its work of updating Salvadorian legislation. 77/ Draft bills recently submitted to the Legislative Assembly include the following: draft bill amending the Penal Code, the Code of Criminal Procedure and the Military Justice Code (regulation of the death penalty, appeals for pardon, restriction of liberty, etc.); draft bill amending the Judicial Organization Act; and draft bill amending the Code of Criminal Procedure, the Traffic Accident Special Procedures Act, the Act organizing the Office of the Attorney-General and Judicial Organization Act (dealing with the rules governing legal aid and defence).

99. To sum up, the Special Representative takes note of the continuing, obvious efforts by the President of the Republic and other Salvadorian constitution authorities to improve the human rights situation in El Salvador. However, while those efforts have led to a decrease in the number of serious violations of human rights, particularly since the signing of the San José agreement on 26 July, it is an undeniable fact that violations continue. The situation is far from satisfactory.

100. With regard to FMLN, which according to the San José agreement of 26 July 1990 has the capacity and has the will to respect human rights, it should be noted that it declared a unilateral cease-fire on 24 and 25 February on the occasion of the death of the late President Duarte. 78/ It also should be noted that on 13 March 1990, the FMLN General Command decided that as of 16 March it would totally suspend acts of sabotage against public transport, commercial establishments and telephone lines and attacks on government officials and civilians who are not members of military or paramilitary groups. 79/ The extent to which FLMN has complied with the San José agreement was discussed in an earlier paragraph.

101. The Special Representative was informed that FMLN has on a number of occasions released soldiers captured in combat: one colonel and eight soldiers on 11 July; 80/ one sergeant and two wounded soldiers on 6 August; 81/ and five soldiers on 24 August. 82/

VII. CONCLUSIONS

102. After carefully assessing the information included in this report on the situation of human rights in El Salvador thus far in 1990, the Special Representative draws the following conclusions:

Economic, social and cultural rights

103. The situation of the economic, social and cultural rights of Salvadorian citizens continues to be affected adversely by a combination of factors, principally the persistence of the armed conflict between the armed forces and FMLN and the resultant climate of violence.

104. The attacks carried out by the FMLN guerrilla organizations against the country's economic infrastructure also seriously undermine the present and future enjoyment by Salvadorian citizens of important economic, social and cultural rights, although note must be taken of the fact that FMLN has suspended its acts of sabotage against public transport and telephone lines since 16 March 1990.

105. Thus far in 1990, Government action against humanitarian, trade union, peasants and other organizations has continued. The Government maintains that some of these organizations answer to FMLN, and allegation on which the organizations concerned refute, but even if this were true it would only justify action that remained within the law and respected human rights.

Summary executions

106. Members of the State apparatus, particularly of the armed forces and civil defence, have carried out politically motivated summary executions the exact number of which, although difficult to determine, is much lower than the very high levels of last year. There has been a perceptible reduction since the signing of the San José Agreement on Human Rights of 26 July 1990. One fact worth noting is the climate of intimidation prevailing among certain sectors of the population as a result of explicit threats of summary executions and other human rights violations.

107. Many sources continue to attribute summary executions and other human rights violations to the so-called "death squads" allegedly linked to or tolerated by the armed forces or the security forces. The Special Representative finds that allegation plausible in theory, although the difficulties of investigating such crimes prevent him from reaching reliable and definite conclusions in specific cases. It is also possible that ordinary offences are being committed under cover of these activities.

108. FMLN, for its part, has continued to carry out summary executions of army chiefs and officers and persons alleged to have collaborated with the armed forces, although it appears to have suspended this practice since the signing of the San José agreement. It has also carried out some urban operations in which civilians have been killed and wounded.

Abductions and disappearances

109. Cases of politically motivated disappearances of individuals continue to be reported. While it is difficult to determine how many there have been and who was responsible, the Special Representative does not rule out the possibility that the "death squads" were involved in some cases.

110. The guerrilla organizations have also abducted civilians. The Special Representative has received reports of the forcible recruitment of minors, which the guerrilla organization has vigorously denied.

Treatment of political prisoners

111. There have been cases of torture and cruel, inhuman or degrading treatment during extrajudicial interrogations of political detainees, although the Special Representative believes that these practices are not widespread and do not represent a government policy.

Criminal justice

112. Thus far in 1990, some members of the armed forces have been convicted for acts committed years ago, which shows that impunity is not absolute. Nevertheless, other proceedings instituted against members of the armed forces are moving very slowly and, in the proceedings concerning the murder of Father Ellacuría and others, there seems to be a lack of co-operation on the part of the armed forces, which has gone so far as the destruction of important evidence. The Special Representative is also unaware of any progress in the proceedings on the many serious human rights violations committed in past years. In conclusion it may be said that Salvadorian criminal justice is still not operating satisfactorily, although the main defects are to be seen in the area of investigation and fact-finding rather than in the trial and sentencing activities per se of judicial organs.

The armed conflict

113. The situation of the civilian population in the areas of heaviest fighting is very difficult and distressing, and the military operations of the armed forces have also caused local civilian casualties, although only through negligence, not on a widespread, indiscriminate or intentional basis. The exact number of such deaths is difficult to determine, although it is lower than last year and lower than that of summary executions outside combat.

114. FMLN, for its part, has caused civilian deaths or injuries as a result of the explosion of contact mines, although it can sometimes be difficult to determine whether FMLN organizations or the armed forces planted the devices. Guerrilla fire has occasionally caused other civilian casualties.

Efforts to strengthen respect for human rights and their results

115. There can be no doubt as to the determination of the President of the Republic and other Salvadorian constitutional authorities to improve the human rights situation. Although this has occasioned a decrease in the number of serious violations of those rights, particularly since the signing of the San José agreement on 26 July 1990, it is a nevertheless indisputable fact that such violations continue.

116. FMLN too has shown an interest in respect for human rights, but this has not prevented it from committing serious violations of those rights, although on a lesser scale than last year. One example of this interest was the signing of the San José agreement as part of the negotiating process with the Government.

117. The Government and FMLN have resumed and intensified the negotiating process, under the auspices of the Secretary-General of the United Nations, with a view to ending the conflict.

VIII. RECOMMENDATIONS

118. The Special Representative continues to be disturbed by the situation of human rights in El Salvador, despite the fact that, thus far in 1990, there has been a decrease in the number of violations as compared with 1989. He therefore once again appeals most emphatically to the Government and all the country's political authorities, institutions and forces, including the guerrilla organizations, to take all necessary steps immediately to put a complete end to attempts on the life, physical integrity and dignity of individuals in both non-combat and combat situations.

119. The Special Representative also calls most emphatically on the Government and FMLN to show political realism, creativity and generosity in the current negotiating process, so that a just and lasting peace can be achieved as soon as possible, followed by national reconciliation and reconstruction. The Special Representative believes that the reduction of violence in combat and non-combat situations will help to promote mutual confidence-building, thereby facilitating an early, successful outcome to the current negotiations.

120. The Special Representative particularly reiterates to the constitutional authorities of the Republic of El Salvador the recommendations made in his latest report to the Commission on Human Rights, 83/ and specifically:

(a) The adoption of measures to prevent any kind of threats and psychological intimidation against certain sectors of the population;

(b) Perseverance with the judicial reform effort and the establishment of an efficient criminal investigation body under the judiciary;

(c) Acceleration of the judicial proceedings instituted for the massacres committed in the last quarter of 1989, with a view to arriving, as soon as possible, at fair and exemplary final judgements;

(d) Perseverance in carrying out the agrarian reform programme and other structural reforms needed to improve the population's well-being.

121. The Special Representative reiterates to FMLN and guerrilla organizations the recommendations made in his latest report to the Commission on Human Rights, 84/ and specifically:

(a) Resolute continuation of their policy of not planting contact mines which may cause casualties among the civilian population;

(b) That they immediately refrain from all urban operations which may cause civilian casualties.

122. Lastly, the Special Representative again recommends to all States of the international community, in particular the richest and most developed countries, that they increase the assistance necessary to alleviate and improve the situation of Salvadorian citizens who have been displaced, made refugees or resettled as a result of the armed conflict.

Notes

1/ El País, 3 February 1990.

2/ Le Monde, 2 February 1990.

3/ El País, 11 February 1990.

4/ The Guardian, 14 March 1990.

5/ International Herald Tribune, 23 March 1990.

6/ El País, 3 April 1990.

7/ Le Monde, 27 June 1990.

8/ Inforpress Centroamericana, 5 July 1990.

9/ El Salvador on Line, 16 April 1990.

10/ Ibid., 11 June 1990.

11/ Ibid., 3 September 1990.

12/ Ibid., 2 April 1990.

Notes (continued)

13/ Ibid., 14 May 1990.

14/ Ibid., 5 February 1990.

15/ Ibid., 28 May 1990.

16/ Ibid., 11 June 1990.

17/ Department of Human Rights of the Salvadorian Lutheran Synod, November 1989 to September 1990.

18/ Report of the Armed Forces of El Salvador on human rights for the period October 1989 to September 1990.

19/ El Salvador on Line, 9 July 1990.

20/ Ibid., 23 April 1990.

21/ Ibid., 14 May 1990.

22/ Communiqué of the Committee in Solidarity with the People of El Salvador (CISPES), 16 August 1990.

23/ La Prensa Gráfica, 5 July 1990.

24/ Boletín de Prensa, No. 162, 16 June 1990.

25/ El Salvador on Line, 6 August 1990.

26/ Ibid., 20 August 1990.

27/ Archdiocesan Legal Protection Office weekly bulletins.

28/ El Salvador on Line, 12 March 1990.

29/ Ecumenical Christian Support Group for El Salvador, 10 February 1990.

30/ El Salvador on Line, 19 March 1990.

31/ Ibid., 26 March 1990.

32/ Ibid., 9 July 1990.

33/ El Mundo, 21 July 1990.

34/ La Prensa Gráfica, El Diario de Hoy, 1 May 1990.

35/ Communiqué to the Special Representative, 23 May 1990.

Notes (continued)

36/ El Diario de Hoy, 19 June 1990.

37/ El Salvador on Line, 23 July 1990.

38/ Communiqué of the Salvadorian Human Rights Commission (governmental), 25 July 1990.

39/ El Diario de Hoy, 31 July 1990.

40/ La Prensa Gráfica, 31 July 1990.

41/ Communiqué, 3 July 1990.

42/ Salpress, 28 June 1990.

43/ Communiqué of the Permanent Mission of El Salvador to the United Nations and the International Organizations at Geneva, 2 April 1990.

44/ Communiqué of the Permanent Mission of El Salvador to the United Nations and the International Organizations at Geneva, 17 July 1990.

45/ See also Estudios Centroamericanos, June-July 1990.

46/ Diario de Hoy, 29 June 1990.

47/ Communiqué of the Permanent Mission of El Salvador to the United Nations and the International Organizations at Geneva, 28 June 1990.

48/ El Salvador on Line, 14 May 1990.

49/ Salpress, telex, 9 March 1990.

50/ Memorandum concerning the work of the Supreme Court of Justice on the safeguarding, protection and development of human rights during the period 12 October 1989 to 4 October 1990.

51/ See Lawyers Committee for Human Rights, A Decade of Failed Promises: the Investigation of Archbishop Romero's Murder, March 1990.

52/ El Salvador on Line, 23 April 1990.

53/ La Prensa Gráfica, 19 April 1990.

54/ E/CN.4/1990/26, para. 77.

55/ El Salvador on Line, 7 March 1990; ibid., 4 June 1990.

56/ E/CN.4/1990/26, para. 45.

Notes (continued)

57/ E/CN.4/1990/26, para. 4.

58/ Diario Latino, 7 June 1990.

59/ Ibid., 2 May 1990.

60/ Archdiocesan Legal Protection Office weekly bulletins.

61/ El Salvador-Proceso, 28 February 1990; report of 12 February 1990.

62/ El Salvador on Line, 16 April 1990.

63/ Ibid., 21 May 1990.

64/ Ibid., 4 June 1990.

65/ Ibid., 18 June 1990.

66/ Ibid., 6 August 1990.

67/ CISPES, 23 August 1990.

68/ El Salvador on Line, 17 September 1990.

69/ Ibid., 17 September 1990.

70/ Document of the Hospital de Navarra, Pamplona, 22 September 1990.

71/ El Diario de Hoy, 22 August 1990.

72/ Statements by Monsignor Rosa Chávez, 26 August 1990.

73/ See the Agreement in United Nations Press Release, 30 July 1990 (CA/33).

74/ Report of 1 October 1990 presented by the Office of Associated Lawyers; Study Centre for Law Enforcement; Human Rights Commission of El Salvador (non-governmental); Department of Human Rights of the Salvadorian Lutheran Synod; Department of Human Rights of the Rural Workers' National Union; Human Rights Institute of the Central American University; Christian Legal Aid; and Institute of Legal Studies of El Salvador.

75/ Communiqué of the Permanent Mission of El Salvador to the United Nations and the International Organizations at Geneva, 11 July 1990.

76/ Communiqué of the Permanent Mission of El Salvador to the United Nations and the International Organizations at Geneva, 13 August 1990.

77/ Report presented to the Special Representative on 5 October 1990.

Notes (continued)

78/ El Salvador on Line, 26 February 1990.

79/ Official communiqué of FMLN, 13 March 1990, placed at the disposal of the Special Representative.

80/ El Salvador on Line, 16 July 1990.

81/ Public communiqué of FMLN, 23 August.

82/ El Salvador on Line, 3 September 1990.

83/ E/CN.4/1990/26, para. 126.

84/ Ibid., para. 127.

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GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23 and 35
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 12 October 1990 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

I have the honour to communicate the text of a press release issued by the Government of Pakistan dated 8 October 1990 (see annex).

I should be grateful if you would arrange to have the present letter and its annex circulated as an official document of the General Assembly, under agenda items 23 and 35, and of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador and Permanent Representative

ANNEX

Press release issued by the Government Of Pakistan
on 8 October 1990

The Government and the people of Pakistan are appalled by the brutal, inhuman and senseless orgy of violence resorted to by the Israeli army and extremist settler groups against unarmed civilians on 8 October 1990 in the Holy City of Jerusalem in which 22 Palestinians were martyred and more than 200 wounded. Israel's continued disregard of human rights and callous attitude towards international public opinion deserves condemnation in the strongest possible terms.

We call upon the international community to raise its voice against this outrage and to initiate appropriate actions to restrain Israel from blatantly violating norms of human values.

We extend our sincere and heartfelt condolences to the bereaved families and pray for the early recovery of those wounded.

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SECURITY COUNCIL
Forty-fifth year

Letter dated 12 October 1990 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to transmit the text, in English and French, of the EC statement on the recent incidents in Jerusalem, issued on 9 October 1990 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda items 23 and 35, and of the Security Council.

(Signed) Vieri TRAXLER
Ambassador

ANNEX

Statement on the recent bloody incidents in Jerusalem

The Community and its member States have learned with dismay the news of the bloody incidents that have taken place in Jerusalem causing such a high toll of Palestinian dead and of injured persons.

The Community and its member States consider unacceptable, and once more strongly deplore, the use of excessive force by the Israeli occupying forces in repressing Palestinian demonstrations, against a background of repeated violations of international law, in particular as regards the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

The tragic events in Jerusalem underline once again the need for a settlement of the Palestinian problem in accordance with justice.

The Community and its member States reaffirm their commitment to a just, comprehensive and lasting solution to the Arab-Israeli conflict and to this end they support the principle of the convening of an International Peace Conference on the Middle East under the auspices of the United Nations.